



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2011

House Amendment 1078

PAG LIN

1 1 Amend House File 212 as follows:
1 2 #1. Page 1, by striking lines 10 and 11 and
1 3 inserting <a standard of dress, or otherwise imposes
1 4 limitations on student dress, if the board determines
1 5 that the policy>

KELLEY of Jasper
HF212.410 (1) 84
kh/nh



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House Amendment 1079

PAG LIN

1 1 Amend House File 194 as follows:
1 2 #1. Page 1, by striking line 27 and inserting
1 3 <dollars but not exceeding two hundred fifty thousand
1 4 dollars, ~~eight five~~ and ~~ninety-eight~~ thirty-eight
1 5 hundredths>
1 6 #2. Page 1, before line 29 by inserting:
1 7 <Sec. _____. Section 422.5, subsection 1, Code 2011,
1 8 is amended by adding the following new paragraph:
1 9 NEW PARAGRAPH. 0j. On all taxable income exceeding
1 10 two hundred fifty thousand dollars, eight and
1 11 fifty=three hundredths percent.>
1 12 #3. Title page, by striking line 1 and inserting <An
1 13 Act relating to the individual income>
1 14 #4. By renumbering as necessary.

JACOBY of Johnson

GASKILL of Wapello

KAJTAZOVIC of Black Hawk

KRESSIG of Black Hawk

OLDSON of Polk

PETERSEN of Polk
HF194.419 (3) 84
tw/sc



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House Amendment 1080

PAG LIN

1 1 Amend House File 194 as follows:
1 2 #1. Page 1, line 27, after <dollars> by inserting
1 3 <but not exceeding one hundred eighty=two thousand five
1 4 hundred dollars>
1 5 #2. Page 1, before line 29 by inserting:
1 6 <Sec. _____. Section 422.5, subsection 1, Code 2011,
1 7 is amended by adding the following new paragraph:
1 8 NEW PARAGRAPH. 0j. On all taxable income exceeding
1 9 one hundred eighty=two thousand five hundred dollars,
1 10 eight and forty=nine hundredths percent.>
1 11 #3. By renumbering as necessary.

T. OLSON of Linn

GASKILL of Wapello

PETERSEN of Polk

KRESSIG of Black Hawk

OLDSON of Polk

KAJTAZOVIC of Black Hawk
HF194.358 (3) 84
tw/sc



Iowa General Assembly
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House File 269 - Introduced

HOUSE FILE
BY ISENHART

A BILL FOR

1 An Act relating to the approval or modification of certain
2 urban renewal projects and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2277YH (5) 84
md/sc



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House File 269 - Introduced continued

PAG LIN

1 1 Section 1. Section 403.5, subsection 1, Code 2011, is
1 2 amended to read as follows:
1 3 1. a. A municipality shall not approve an urban renewal
1 4 project for an urban renewal area unless the governing body
1 5 has, by resolution, determined the area to be a slum area,
1 6 blighted area, economic development area, or a combination of
1 7 those areas, ~~and~~ designated the area as appropriate for an
1 8 urban renewal project, and met the requirements of paragraph
1 9 "b", if applicable. The local governing body shall not approve
1 10 an urban renewal plan until a general plan for the municipality
1 11 has been prepared. For this purpose and other municipal
1 12 purposes, authority is vested in every municipality to prepare,
1 13 to adopt and to revise from time to time, a general plan for
1 14 the physical development of the municipality as a whole, giving
1 15 due regard to the environs and metropolitan surroundings. A
1 16 municipality shall not acquire real property for an urban
1 17 renewal project unless the local governing body has approved
1 18 the urban renewal project in accordance with subsection 4.
1 19 b. A municipality proposing an urban renewal project that
1 20 utilizes moneys from a division of revenue pursuant to section
1 21 403.19 shall consider and apply the smart planning principles
1 22 and guidelines under sections 18B.1 and 18B.2. A separate
1 23 hearing regarding application of the smart planning principles
1 24 and guidelines shall be held prior to the public hearing
1 25 required under subsection 3. The local governing body shall
1 26 conduct the hearing after public notice thereof by publication
1 27 in a newspaper having a general circulation in the area of
1 28 operation of the municipality. The notice shall describe the
1 29 time, date, place, and purpose of the hearing, shall generally
1 30 identify the urban renewal area covered by the plan, shall
1 31 outline the general scope of the urban renewal activities under
1 32 consideration, and shall generally describe the smart planning
1 33 principles and guidelines under sections 18B.1 and 18B.2.
1 34 Sec. 2. Section 403.6, subsection 6, paragraph b, Code 2011,
1 35 is amended to read as follows:



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House File 269 - Introduced continued

2 1 b. Urban renewal plans adopted, amended, or modified
2 2 pursuant to the requirements of section 403.5;
2 3 Sec. 3. Section 403.6, subsection 12, Code 2011, is amended
2 4 to read as follows:
2 5 12. To approve, amend, or modify urban renewal plans,
2 6 subject to the requirements of section 403.5.

2 7 Sec. 4. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
2 8 Act, being deemed of immediate importance, takes effect upon
2 9 enactment and applies to urban renewal plans and projects
2 10 approved, amended, or modified on or after the effective date
2 11 of this Act.

2 12 EXPLANATION

2 13 This bill provides that a municipality proposing an urban
2 14 renewal project that utilizes moneys from a division of revenue
2 15 pursuant to Code section 403.19 (tax increment financing) shall
2 16 consider and apply the smart planning principles and guidelines
2 17 under Code sections 18B.1 and 18B.2. The bill requires
2 18 the municipality to conduct a separate hearing regarding
2 19 application of the smart planning principles and guidelines.
2 20 The hearing must be held prior to the public hearing on the
2 21 urban renewal plan required under Code section 403.5(3). The
2 22 bill specifies the notice requirements for the meeting and the
2 23 contents of the meeting notice.

2 24 The bill takes effect upon enactment and applies to urban
2 25 renewal plans and projects approved, amended, or modified on or
2 26 after the effective date of the bill.

LSB 2277YH (5) 84

md/sc



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House File 270 - Introduced

HOUSE FILE
BY GRASSLEY

A BILL FOR

1 An Act requiring the department of administrative services
2 to adopt rules to ensure the publication of certain state
3 employee benefit information.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2278YH (3) 84
aw/nh



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House File 270 - Introduced continued

PAG LIN

1 1 Section 1. Section 8A.413, subsection 5, Code 2011, is
1 2 amended to read as follows:
1 3 5. a. For the public announcement of vacancies at least
1 4 ten days in advance of the date fixed for the filing of
1 5 applications for the vacancies, and the advertisement of the
1 6 vacancies through the communications media. The director may,
1 7 however, in the director's discretion, continue to receive
1 8 applications and examine candidates for a period adequate to
1 9 assure a sufficient number of eligibles to meet the needs of
1 10 the system, and may add the names of successful candidates to
1 11 existing eligible lists.
1 12 b. That when publishing a public announcement of vacancies
1 13 on the department's internet site, that such publication
1 14 include all defined benefits information for the vacancy as
1 15 well as the anticipated cash value of such benefits.

1 16 EXPLANATION
1 17 This bill requires that the department of administrative
1 18 services adopt rules to ensure that when the department
1 19 publishes an employment opening on its internet site, the
1 20 department also publish all information related to defined
1 21 benefits for that position as well as the monetary value of
1 22 those benefits on the same publication.

LSB 2278YH (3) 84

aw/nh



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House Study Bill 91

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LABOR BILL BY
CHAIRPERSON HORBACH)

A BILL FOR

1 An Act relating to bidding and contracting for public
2 improvement, public works, and public road projects and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1989YC (6) 84
je/rj



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House Study Bill 91 continued

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1 1 Section 1. Section 26.7, Code 2011, is amended by adding the
1 2 following new subsection:

1 3 NEW SUBSECTION. 4. A governmental entity shall not in
1 4 either the notice to bidders or the contract documents require
1 5 proof of satisfaction of any bidder qualification standards
1 6 for the bidder or its proposed subcontractors if the bidder is
1 7 required and able to meet all bond requirements relating to
1 8 payments and performance in accordance with state law. This
1 9 section does not prohibit a public owner from exercising its
1 10 authority under this chapter to determine whether the lowest
1 11 responsive bidder is a responsible bidder in accordance with
1 12 state law.

1 13 Sec. 2. NEW SECTION. 72.6 Public works ==== contractor
1 14 qualifications.

1 15 1. Definitions. As used in this section, unless the context
1 16 otherwise provides:

1 17 a. "Public owner" means a public body including the state
1 18 or a political subdivision of the state, an officer, official,
1 19 agency, authority, board, or commission of the state or of a
1 20 political subdivision of the state, or an institution supported
1 21 in whole or in part by public funds.

1 22 b. "Public road project" means a project under the control
1 23 of a public owner for the construction, maintenance, or repair
1 24 of a road or street that is funded, in whole or in part, by
1 25 moneys from the road use tax fund.

1 26 c. "Public works" means a building or other construction
1 27 project which is constructed under the control of a public
1 28 owner and is paid for in whole or in part with funds of a public
1 29 owner, including funds directed to the public owner from any
1 30 federal government source, including grants. "Public works"
1 31 does not include any work done by or on behalf of a drainage
1 32 or levee district or any work financed by federal funds where
1 33 federal procurement policy applicable to the use of the federal
1 34 funds is inconsistent with the requirements of this section.

1 35 d. "Public works project" means the construction,



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2 1 maintenance, or repair of public works. "Public works project"
2 2 does not mean a public road project.
2 3 2. Prohibited criteria. In determining which bidder is the
2 4 lowest responsible bidder for purposes of awarding a contract
2 5 to perform a public works project or public road project, a
2 6 public owner shall not do any of the following:
2 7 a. Select a bidder based in whole or in part on a
2 8 consideration of whether the bidder's employees belong to or
2 9 are represented by a labor union or labor organization.
2 10 b. Require that the bidder selected enter into an agreement
2 11 that directly or indirectly requires the bidder to recruit,
2 12 train, or hire employees from a particular source to perform
2 13 work on the public works project or public road project.
2 14 c. Require the bidder or the bidder's subcontractors
2 15 or their agents to enter into any agreement or arrangement
2 16 relating to the public works project or public road project
2 17 which imposes requirements, controls, or limitations on
2 18 staffing; sources of employee referrals; assignment of work;
2 19 sources of insurance and benefits including health, life, and
2 20 disability insurance and retirement pensions; training; or
2 21 wages. This paragraph does not apply to requirements imposed
2 22 by federal law.
2 23 3. Bidding documents. Criteria described in this section
2 24 that cannot be considered by a public owner in determining
2 25 who is the lowest responsible bidder shall be included in any
2 26 document requesting or inviting bids on public works projects
2 27 or public road projects subject to this section.
2 28 Sec. 3. Section 73A.21, Code 2011, is amended to read as
2 29 follows:
2 30 73A.21 Reciprocal resident bidder and resident labor force
2 31 preference by state, its agencies, and political subdivisions ====
2 32 penalties.
2 33 1. For purposes of this section:
2 34 a. "Commissioner" means the labor commissioner appointed
2 35 pursuant to section 91.2, or the labor commissioner's designee.



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House Study Bill 91 continued

3 1 b. "Division" means the division of labor of the department
3 2 of workforce development.
3 3 c. "Nonresident bidder" means a person or entity who does
3 4 not meet the definition of a resident bidder.
3 5 d. "Public body" means the state and any of its political
3 6 subdivisions, including a school district, public utility, or
3 7 the state board of regents.
3 8 ~~a.~~ e. "Public improvement" means ~~public improvements as~~
~~3 9 defined in section 73A.1 a building or other construction work~~
3 10 to be paid for in whole or in part by the use of funds of the
3 11 state, its agencies, and any of its political subdivisions and
3 12 includes road construction, reconstruction, and maintenance
3 13 projects.
3 14 f. "Public utility" includes municipally owned utilities and
3 15 municipally owned waterworks.
3 16 ~~b.~~ g. "Resident bidder" means a person or entity authorized
3 17 to transact business in this state and having a place of
3 18 business for transacting business within the state at which
3 19 it is conducting and has conducted business for at least ~~six~~
~~3 20 months three years prior to the date of the first advertisement~~
3 21 for the public improvement and in the case of a corporation,
~~3 22 having at least fifty percent of its common stock owned by~~
~~3 23 residents of this state. If another state or foreign country~~
3 24 has a more stringent definition of a resident bidder, the more
3 25 stringent definition is applicable as to bidders from that
3 26 state or foreign country.
3 27 h. "Resident labor force preference" means a requirement in
3 28 which all or a portion of a labor force working on a public
3 29 improvement is a resident of a particular state or country.
3 30 2. Notwithstanding this chapter, chapter 73, chapter 309,
3 31 chapter 310, chapter 331, or chapter 384, when a contract for a
3 32 public improvement is to be awarded to the lowest responsible
3 33 bidder, a resident bidder shall be allowed a preference as
3 34 against a nonresident bidder from a state or foreign country
3 35 ~~which~~ if that state or foreign country gives or requires a



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~~4 1 any preference to bidders from that state or foreign country,~~
~~4 2 including but not limited to any preference to bidders, the~~
~~4 3 imposition of any type of labor force preference, or any other~~
~~4 4 form of preferential treatment to bidders or laborers from that~~
~~4 5 state or foreign country. The preference is allowed shall~~
~~4 6 be equal to the preference given or required by the state or~~
~~4 7 foreign country in which the nonresident bidder is a resident.~~
~~4 8 In the instance of a resident labor force preference, a~~
~~4 9 nonresident bidder shall apply the same resident labor force~~
~~4 10 preference to a public improvement in this state as would be~~
~~4 11 required in the construction of a public improvement by the~~
~~4 12 state or foreign country in which the nonresident bidder is a~~
~~4 13 resident.~~
~~4 14 3. This section applies to the state, its agencies, and any~~
~~4 15 political subdivisions of the state.~~
~~4 16 4. 3. If it is determined that this may cause denial of~~
~~4 17 federal funds which would otherwise be available, or would~~
~~4 18 otherwise be inconsistent with requirements of any federal law~~
~~4 19 or regulation, this section shall be suspended, but only to the~~
~~4 20 extent necessary to prevent denial of the funds or to eliminate~~
~~4 21 the inconsistency with federal requirements.~~
~~4 22 4. The public body involved in a public improvement shall~~
~~4 23 require a nonresident bidder to specify on all project bid~~
~~4 24 specifications and contract documents whether any preference~~
~~4 25 as described in subsection 2 is in effect in the nonresident~~
~~4 26 bidder's state or country of domicile at the time of a bid~~
~~4 27 submittal.~~
~~4 28 5. The commissioner and the division shall administer and~~
~~4 29 enforce this section, and the commissioner shall adopt rules~~
~~4 30 for the administration and enforcement of this section as~~
~~4 31 provided in section 91.6.~~
~~4 32 6. The commissioner shall have the following powers and~~
~~4 33 duties for the purposes of this section:~~
~~4 34 a. The commissioner may hold hearings and investigate~~
~~4 35 charges of violations of this section.~~



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House Study Bill 91 continued

5 1 b. The commissioner may, consistent with due process of law,
5 2 enter any place of employment to inspect records concerning
5 3 labor force residency, to question an employer or employee, and
5 4 to investigate such facts, conditions, or matters as are deemed
5 5 appropriate in determining whether any person has violated the
5 6 provisions of this section. The commissioner shall only make
5 7 such an entry in response to a written complaint.

5 8 c. The commissioner shall develop a written complaint form
5 9 applicable to this section and make it available in division
5 10 offices and on the department of workforce development's
5 11 internet site.

5 12 d. The commissioner may sue for injunctive relief against
5 13 the awarding of a contract, the undertaking of a public
5 14 improvement, or the continuation of a public improvement in
5 15 response to a violation of this section.

5 16 e. The commissioner may investigate and ascertain the
5 17 residency of a worker engaged in any public improvement in this
5 18 state.

5 19 f. The commissioner may administer oaths, take or cause to
5 20 be taken deposition of witnesses, and require by subpoena the
5 21 attendance and testimony of witnesses and the production of all
5 22 books, registers, payrolls, and other evidence relevant to a
5 23 matter under investigation or hearing.

5 24 g. The commissioner may employ qualified personnel as are
5 25 necessary for the enforcement of this section. Such personnel
5 26 shall be employed pursuant to the merit system provisions of
5 27 chapter 8A, subchapter IV.

5 28 h. The commissioner shall require a contractor or
5 29 subcontractor to file, within ten days of receipt of a request,
5 30 any records enumerated in subsection 8. If the contractor or
5 31 subcontractor fails to provide the requested records within ten
5 32 days, the commissioner may direct, within fifteen days after
5 33 the end of the ten-day period, that the fiscal or financial
5 34 office charged with the custody and disbursement of funds of
5 35 the public body that contracted for construction of the public



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6 1 improvement or undertook the public improvement, to immediately
6 2 withhold from payment to the contractor or subcontractor
6 3 up to twenty=five percent of the amount to be paid to the
6 4 contractor or subcontractor under the terms of the contract
6 5 or written instrument under which the public improvement is
6 6 being performed. The amount withheld shall be immediately
6 7 released upon receipt by the public body of a notice from
6 8 the commissioner indicating that the request for records as
6 9 required by this section has been satisfied.

6 10 7. While participating in a public improvement, a
6 11 nonresident bidder domiciled in a state or country that
6 12 has established a resident labor force preference shall
6 13 make and keep, for a period of not less than three years,
6 14 accurate records of all workers employed by the contractor or
6 15 subcontractor on the public improvement. The records shall
6 16 include each worker's name, address, telephone number when
6 17 available, social security number, trade classification, and
6 18 the starting and ending time of employment.

6 19 8. Any person or entity that violates the provisions of
6 20 this section is subject to a civil penalty in an amount not to
6 21 exceed one thousand dollars for each violation found in a first
6 22 investigation by the division, not to exceed five thousand
6 23 dollars for each violation found in a second investigation
6 24 by the division, and not to exceed fifteen thousand dollars
6 25 for a third or subsequent violation found in any subsequent
6 26 investigation by the division. Each violation of this section
6 27 for each worker and for each day the violation continues
6 28 constitutes a separate and distinct violation. In determining
6 29 the amount of the penalty, the division shall consider the
6 30 appropriateness of the penalty to the person or entity charged,
6 31 upon determination of the gravity of the violations. The
6 32 collection of these penalties shall be enforced in a civil
6 33 action brought by the attorney general on behalf of the
6 34 division.

6 35 9. A party seeking review of the division's determination



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7 1 pursuant to this section may file a written request for an
7 2 informal conference. The request must be received by the
7 3 division within fifteen days after the date of issuance of
7 4 the division's determination. During the conference, the
7 5 party seeking review may present written or oral information
7 6 and arguments as to why the division's determination should
7 7 be amended or vacated. The division shall consider the
7 8 information and arguments presented and issue a written
7 9 decision advising all parties of the outcome of the conference.

7 10 Sec. 4. Section 331.341, subsection 2, Code 2011, is amended
7 11 to read as follows:

7 12 2. The board shall give preference to Iowa products ~~and~~
~~7 13 labor~~ in accordance with chapter 73 and shall comply with bid
7 14 and contract requirements in chapter 26.

7 15 Sec. 5. REPEAL. Sections 73.3 and 73.4, Code 2011, are
7 16 repealed.

7 17 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
7 18 immediate importance, takes effect upon enactment.

7 19 Sec. 7. APPLICABILITY. This Act applies to all public
7 20 improvement, public works, and public road projects, and to
7 21 public improvement, public works, and public road contracts
7 22 entered into on or after July 1, 2011.

7 23 EXPLANATION

7 24 This bill relates to bidding and contracting for public
7 25 improvement, public works, and public road projects.

7 26 The bill provides that for a public improvement project, the
7 27 public owner is prohibited in either the invitation to bids or
7 28 the contract documents from requiring proof of satisfaction
7 29 of any bidder qualification standards for the bidder or its
7 30 proposed subcontractors so long as the bidder is required and
7 31 able to meet all payment and performance bond requirements
7 32 in accordance with state law. The bill specifies that this
7 33 prohibition is not intended to prohibit the public owner from
7 34 exercising its authority under Code chapter 26 to determine
7 35 whether the lowest responsive bidder is a responsible bidder



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House Study Bill 91 continued

8 1 in accordance with state law.

8 2 The bill sets out procedural requirements which a public
8 3 body must follow when awarding a contract for a public works
8 4 project to a bidder through a competitive bidding process. The
8 5 bill defines criteria that the public body cannot consider
8 6 when awarding such a contract. Prohibited criteria include
8 7 whether the bidder's employees belong to or are represented by
8 8 a labor union; requiring the bidder to enter into an agreement
8 9 that directly or indirectly requires the bidder to recruit,
8 10 train, or hire employees from a particular source; or requiring
8 11 the bidder or its subcontractors or agents to enter into an
8 12 agreement or arrangement imposing various other limitations
8 13 relating to the bidder's employees. The bill requires the
8 14 public body to include the prohibited criteria in any document
8 15 requesting or inviting bids on public works projects subject
8 16 to the bill.

8 17 The bill requires the labor commissioner to administer
8 18 and enforce Code section 73A.21, which allows the state
8 19 and political subdivisions awarding a contract for a public
8 20 improvement to give a preference to an Iowa resident bidder
8 21 over a nonresident bidder. The preference must be reciprocal
8 22 to any preference given to in-state resident bidders over
8 23 nonresident bidders by the state or foreign country of a
8 24 nonresident bidder. The bill directs the labor commissioner
8 25 to hire necessary personnel and adopt rules as necessary to
8 26 administer Code section 73A.21.

8 27 The bill includes in the reciprocity requirement nonresident
8 28 bidders from a state or foreign country which gives any type
8 29 of labor force preference or any other form of preference
8 30 to resident bidders or laborers. The bill provides that if
8 31 the provisions of Code section 73A.21 may cause denial of
8 32 federal funds which would otherwise be available, or would
8 33 otherwise be inconsistent with requirements of any federal law
8 34 or regulation, the Code section will be suspended, but only
8 35 to the extent necessary to prevent denial of the funds or to



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9 1 eliminate the inconsistency with federal requirements. The
9 2 bill requires a public body involved in a public improvement to
9 3 require all nonresident bidders to specify on all project bid
9 4 specifications and contract documents whether the nonresident
9 5 bidder's state or country of residence has any type of resident
9 6 bidder preference in effect at the time of a bid submittal.
9 7 The bill provides the labor commissioner with certain powers
9 8 relating to nonresident bidders for public improvement projects
9 9 to enforce Code section 73A.21. The bill provides the labor
9 10 commissioner with investigative powers concerning nonresident
9 11 bidders. Such powers include the power to hold hearings, to
9 12 enter a place of employment to inspect records regarding labor
9 13 force residency, to question employees, and to take depositions
9 14 and subpoenas. The bill provides that the labor commissioner
9 15 may sue for injunctive relief for violations of Code section
9 16 73A.21. The bill requires the labor commissioner to develop
9 17 a written complaint form for violations. The bill requires a
9 18 nonresident contractor domiciled in a state or country that
9 19 has a resident labor force preference to keep for at least
9 20 three years accurate records containing certain identifying
9 21 information including residency for all workers employed by
9 22 the contractor. The bill provides that the labor commissioner
9 23 may direct that up to 25 percent of the contract price be
9 24 withheld from the contractor if the contractor does not file
9 25 such records until the records are filed. The bill provides
9 26 for a civil penalty of \$1,000 for each violation found during
9 27 a first investigation, \$5,000 for each violation found during
9 28 a second investigation, and \$15,000 for each violation found
9 29 during a subsequent investigation. The bill provides that a
9 30 separate and distinct violation occurs for each worker employed
9 31 by the contractor for each day the worker is employed by the
9 32 contractor. The bill provides for a review process with the
9 33 division of labor and sets out procedural requirements. The
9 34 bill modifies and adds applicable definitions for Code section
9 35 73A.21.



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House Study Bill 91 continued

10 1 The bill strikes the requirement in Code section 331.341
10 2 that a county board of supervisors give preference to in=state
10 3 labor in accordance with Code chapter 73 when contracting for
10 4 public improvement projects.
10 5 The bill repeals Code sections 73.3 and 73.4, which require
10 6 public bodies to give preference to in=state labor in public
10 7 improvement or public works projects.
10 8 The bill is effective upon enactment.
10 9 The bill applies to all public improvement, public works,
10 10 and public road projects, and to public improvement, public
10 11 works, and public road contracts entered into on or after July
10 12 1, 2011.
10 13 The bill may include a state mandate as defined in Code
10 14 section 25B.3.
LSB 1989YC (6) 84
je/rj



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House Study Bill 92

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act creating the health care professional lien Act.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2145HC (10) 84
rh/rj



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House Study Bill 92 continued

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1 1 Section 1. NEW SECTION. 582A.1 Short title.
1 2 This Act may be cited as the "Health Care Professional Lien
1 3 Act".
1 4 Sec. 2. NEW SECTION. 582A.2 Definitions.
1 5 For purposes of this chapter, "health care professional"
1 6 means a person licensed pursuant to chapter 148, 149, or 151.
1 7 Sec. 3. NEW SECTION. 582A.3 Lien created.
1 8 1. Every health care professional who renders any service
1 9 in the treatment, care, or maintenance of any patient injured
1 10 by reason of an accident or an intentional act by a third
1 11 party, which is not covered by the workers' compensation Act in
1 12 chapter 85, 85A, or 85B, shall have a lien upon all claims and
1 13 causes of action of the injured patient for the amount of the
1 14 health care professional's charges up to the date of payment of
1 15 damages to the injured patient.
1 16 2. The injured patient or the injured patient's legal
1 17 representative or attorney shall notify the health care
1 18 professional at the time services are rendered, or as soon
1 19 as practicable thereafter, that the patient's injuries were
1 20 sustained in an accident or were the result of an intentional
1 21 act by a third party. In addition, the notification shall
1 22 include the date of the accident or intentional act, the
1 23 persons, entities, or insurers allegedly liable for the injured
1 24 patient's damages, and the name and contact information for the
1 25 injured patient's attorney or legal representative, if any.
1 26 Sec. 4. NEW SECTION. 582A.4 Written notice of lien.
1 27 A lien shall not be effective unless a written notice
1 28 containing the name and address of the injured patient, the
1 29 date of the accident or intentional act, the name and address
1 30 of the health care professional, and the name of the party
1 31 allegedly liable for the injured patient's damages is served on
1 32 both the injured patient and the party against whom the claim
1 33 or right of action exists. Service shall be made by certified
1 34 mail or restricted certified mail, as defined in section
1 35 618.15, or in person. A copy of the notice shall be mailed



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2 1 to the injured patient's attorney or legal representative
2 2 provided the patient has previously provided the health
2 3 care professional with the name and address of the patient's
2 4 attorney or legal representative.
2 5 Sec. 5. NEW SECTION. 582A.5 Lien payments.
2 6 Payments under the lien created under this chapter shall be
2 7 made directly to the health care professional.
2 8 Sec. 6. NEW SECTION. 582A.6 Items to which lien attaches
2 9 ==== enforcement.
2 10 1. A health care professional's lien under this chapter
2 11 shall, from and after the time of the service of the lien
2 12 notice, attach to any verdict, judgment, award, settlement,
2 13 or compromise secured by or on behalf of the injured
2 14 patient related to the injuries treated by the health care
2 15 professional. If the verdict, judgment, award, settlement, or
2 16 compromise is to be paid over time by means of an annuity or
2 17 otherwise, any lien under this chapter shall be satisfied by
2 18 the party obligated to compensate the injured patient before
2 19 the establishment of the annuity or other extended payment
2 20 mechanism.
2 21 2. a. A settlement made by and between the patient and
2 22 the persons, entities, or insurers allegedly liable for the
2 23 injured patient's damages shall not discharge the lien against
2 24 any money due or owing by such person, entity, or insurer to
2 25 the patient or relieve the person, entity, or insurer from
2 26 liability by reason of such lien unless any of the following
2 27 apply:
2 28 b. The settlement also provides for the payment and
2 29 discharge of such lien.
2 30 c. A written release or waiver of any such claim of lien
2 31 is signed by the health care professional and either of the
2 32 following apply:
2 33 (1) The written release or waiver is filed in the court
2 34 where an action has been commenced against the persons,
2 35 entities, or insurers allegedly liable for the injured



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3 1 patient's damages.

3 2 (2) The written release or waiver is delivered by certified
3 3 mail or restricted certified mail, as defined in section
3 4 618.15, or in person to such persons, entities, or insurers
3 5 allegedly liable for the injured patient's damages, if no court
3 6 action has been commenced against the persons, entities, or
3 7 insurers allegedly liable for the injured patient's damages.

3 8 3. a. After the filing and mailing of a health care
3 9 professional's lien notice, any person, entity, or insurer
3 10 who makes any payment to an injured patient or to the injured
3 11 patient's attorneys, heirs, or legal representatives as
3 12 compensation for the injury sustained from the accident or
3 13 intentional act without paying the health care professional
3 14 the amount of the health care professional's lien recoverable
3 15 pursuant to section 582A.3, or so much thereof as can be
3 16 satisfied out of the money due under any final judgment or
3 17 compromise or settlement agreement, shall, for a period of one
3 18 year from the date of payment to such patient or the patient's
3 19 heirs, attorneys, or legal representatives, be liable to such
3 20 health care professional for the amount of the health care
3 21 professional's outstanding lien. The health care professional
3 22 may, within such one-year period, enforce the lien by filing an
3 23 action at law against such person, entity, or insurer making
3 24 any such payment.

3 25 b. In any action filed by a health care professional
3 26 pursuant to paragraph "a" to enforce the lien, the health care
3 27 professional shall be entitled to recover reasonable attorney
3 28 fees and the costs of any such action.

3 29 EXPLANATION

3 30 This bill creates the "Health Care Professional Lien Act".

3 31 The bill provides that every health care professional
3 32 (defined under the bill as a physician or surgeon, osteopathic
3 33 physician or surgeon, podiatrist, and chiropractor) who renders
3 34 any service in the treatment, care, or maintenance of any
3 35 patient injured by reason of an accident or an intentional



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4 1 act by a third party not covered by the workers' compensation
4 2 Act shall have a lien upon all claims and causes of action
4 3 of the injured patient for the amount of the health care
4 4 professional's charges up to the date of payment of damages
4 5 to the injured patient. The injured patient or the injured
4 6 patient's legal representative or attorney is required to
4 7 notify the health care professional at the time services are
4 8 rendered, or as soon as practicable thereafter, that the
4 9 patient's injuries were sustained in an accident or that were
4 10 the result of an intentional act by a third party. The lien is
4 11 not effective unless the notice containing the name and address
4 12 of the injured patient, the date of the accident or intentional
4 13 act, the name and address of the health care professional, and
4 14 the name of the party alleged to be liable to make compensation
4 15 to the injured patient is served on both the injured patient
4 16 and the party against whom the claim or right of action exists.
4 17 A copy of the notice is required to be mailed to the injured
4 18 patient's attorney or legal representative. Payments under the
4 19 lien are to be made directly to the health care professional.
4 20 The bill provides that a health care professional's lien
4 21 shall, from and after the time of the service of the lien
4 22 notice, attach to any verdict, judgment, award, settlement, or
4 23 compromise secured by or on behalf of the injured patient. If
4 24 the verdict, judgment, award, settlement, or compromise is to
4 25 be paid over time by means of an annuity or otherwise, the lien
4 26 shall be satisfied by the party allegedly liable to compensate
4 27 the injured patient before the establishment of the annuity or
4 28 other extended payment mechanism.
4 29 The bill provides that a settlement made by and between
4 30 the patient and the persons, entities, or insurers allegedly
4 31 liable for the injured patient's damages does not discharge the
4 32 lien against any money due or owing by such person, entity,
4 33 or insurer to the patient or relieve the person, entity, or
4 34 insurer from liability by reason of such lien unless the
4 35 settlement also provides for the payment and discharge of



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5 1 such lien or a written release or waiver of any such claim
5 2 of lien, signed by the health care professional, is either
5 3 filed in the court where an action has been commenced against
5 4 the persons, entities, or insurers allegedly liable for the
5 5 injured patient's damages, or delivered by certified mail or
5 6 restricted certified mail, as defined in Code section 618.15,
5 7 or in person to such persons, entities, or insurers allegedly
5 8 liable for the injured patient's damages if no court action has
5 9 been commenced.

5 10 The bill provides that after the filing and mailing of a
5 11 health care professional's lien notice, any person, entity, or
5 12 insurer who makes any payment to an injured patient or to the
5 13 injured patient's attorneys, heirs, or legal representatives as
5 14 compensation for the injury sustained without paying the health
5 15 care professional the amount of the health care professional's
5 16 lien shall, for a period of one year from the date of payment
5 17 to such patient or the patient's heirs, attorneys, or legal
5 18 representatives, be liable to such health care professional
5 19 for the amount of the health care professional's outstanding
5 20 lien. The health care professional may, within such one-year
5 21 period, enforce its lien by filing an action at law against
5 22 such person, entity, or insurer making any such payment and
5 23 may, if such action is filed, recover reasonable attorney fees
5 24 and the costs of any such action.

LSB 2145HC (10) 84

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Senate Amendment 3009

PAG LIN

1 1 Amend House File 45, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5
1 6 <DIVISION I
1 7 UNIFORM PROVISIONS
1 8 Section 1. LEGISLATIVE GROUP HEALTH PLANS. The
1 9 group health insurance coverage available to members
1 10 and employees of the general assembly on or after the
1 11 effective date of this section shall not provide for
1 12 additional coverage benefits, lower costs, or other
1 13 enhancements that are unavailable to officials and
1 14 employees of the executive branch of state government.
1 15 Sec. 2. STATE AGENCY OFFICE SUPPLIES PURCHASE,
1 16 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND
1 17 MARKETING.
1 18 1. For the purposes of this section, "department"
1 19 means the same as defined in section 8.2.
1 20 2. a. For the period beginning on the effective
1 21 date of this section through the close of the fiscal
1 22 year ending on June 30, 2011, each state department
1 23 shall be subject to a limitation on expenditures
1 24 made on or after the effective date of this section
1 25 for office supplies, purchases of equipment, office
1 26 equipment, and equipment noninventory, printing and
1 27 binding, and marketing in accordance with this section.
1 28 b. The limitation shall be equal to 50 percent of
1 29 the unexpended or unencumbered amount that a department
1 30 has budgeted or otherwise designated for purposes
1 31 of office supplies, purchases of equipment, office
1 32 equipment, and equipment noninventory, printing and
1 33 binding, and marketing from the appropriations made
1 34 from all sources other than federal funds for the
1 35 fiscal year beginning July 1, 2010, and ending June 30,
1 36 2011, to the department from all sources, as of the
1 37 effective date of this section.
1 38 3. For the period beginning on the effective date
1 39 of this section through the close of the fiscal year
1 40 ending on June 30, 2011, out=of=state travel by an
1 41 employee of a department, which travel is funded in
1 42 whole or in part by an appropriation from a source
1 43 other than federal funds, shall not be authorized
1 44 unless a waiver for the travel is approved by the
1 45 executive council. The executive council shall adopt
1 46 waiver criteria based on the relative importance of
1 47 the travel to fulfilling statutorily required duties,
1 48 the potential for the travel to bring cost savings or
1 49 enhanced revenues for the state, and other means to
1 50 determine whether the benefit or potential benefit of
the travel significantly outweighs the potential cost.



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2 1 4. The committees on appropriations of the
2 2 senate and house of representatives shall recommend
2 3 legislation applying a directive for the executive
2 4 branch to implement a master marketing contract for
2 5 state agencies that commences on or before July 1,
2 6 2011.

2 7 5. The appropriations to which the expenditure
2 8 reductions required by this section are attributed
2 9 shall be reduced by the amount of the expenditure
2 10 reductions. Within 30 days of the enactment date of
2 11 this section, the department of management shall apply
2 12 such appropriation reductions and shall submit a report
2 13 to the general assembly and legislative services agency
2 14 itemizing the expenditure and appropriation reductions
2 15 applied.

2 16 6. This section is not applicable to the state
2 17 board of regents and the institutions under the control
2 18 of the state board.

2 19 Sec. 3. STATE RECORDS STORAGE. The agencies
2 20 of state government that have state records stored
2 21 in locations within a floodplain shall, within six
2 22 months of the effective date of this Act, find storage
2 23 space for the records that is not located within
2 24 a floodplain. For the purposes of this section,
2 25 "floodplain" means the same as one hundred year
2 26 floodplain, as defined in section 459.102.

2 27 Sec. 4. Section 7E.3, Code 2011, is amended by
2 28 adding the following new subsection:

2 29 NEW SUBSECTION. 5. Adults not lawfully
2 30 present. Unless expressly authorized by federal or
2 31 state law, ensure that the public benefits administered
2 32 by the department or independent agency are not
2 33 provided to persons who are not lawfully present in the
2 34 United States.

2 35 Sec. 5. Section 68B.8, Code 2011, is amended by
2 36 adding the following new unnumbered paragraph:

2 37 NEW UNNUMBERED PARAGRAPH A state agency of the
2 38 executive branch of state government shall not employ
2 39 a person through the use of its public funds whose
2 40 position with the agency is primarily representing the
2 41 agency relative to the passage, defeat, approval, or
2 42 modification of legislation that is being considered by
2 43 the general assembly.

2 44 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of
2 45 this Act, being deemed of immediate importance, takes
2 46 effect upon enactment.

2 47 DIVISION II

2 48 ADMINISTRATION AND REGULATION

2 49 Sec. 7. JOINT APPROPRIATIONS SUBCOMMITTEE ON
2 50 ADMINISTRATION AND REGULATION REQUIREMENTS. The



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3 1 joint appropriations subcommittee on administration
3 2 and regulation determines one or both of the options
3 3 described in subsections 1 and 2 are significantly
3 4 less costly than maintaining the current system, the
3 5 joint subcommittee shall develop and, on or before
3 6 April 4, 2011, shall submit recommended implementation
3 7 provisions to the general assembly's committees on
3 8 appropriations in proposed legislation concerning one
3 9 or both of the following:
3 10 1. Eliminating and selling the pool of state-owned
3 11 passenger vehicles located in Polk county for temporary
3 12 assignment to multiple drivers of a department or
3 13 agency that is located within Polk county. The
3 14 recommendations shall not encompass vehicles assigned
3 15 for law enforcement purposes or for specialized use by
3 16 the department of natural resources.
3 17 2. Outsourcing state vehicle leasing through a
3 18 private entity to fill the needs addressed by the
3 19 vehicles subject to sale under subsection 1.
3 20 Sec. 8. DEPARTMENT OF ADMINISTRATIVE SERVICES ====
3 21 STATE-OWNED PASSENGER VEHICLES.
3 22 1. Consistent with the requirements of section
3 23 8A.361, for the period beginning on the effective
3 24 date of this section and ending June 30, 2011, the
3 25 department of administrative services shall be the
3 26 sole department authorized to operate a pool of
3 27 passenger vehicles located in Polk county for temporary
3 28 assignment to multiple drivers of a state department or
3 29 agency that is located within Polk county. For that
3 30 period, the department shall not purchase new passenger
3 31 vehicles for the pool.
3 32 2. For purposes of this section, "passenger
3 33 vehicles" means United States environmental protection
3 34 agency designated compact sedans, compact wagons,
3 35 midsize sedans, midsize wagons, full-size sedans,
3 36 and passenger minivans. "Passenger vehicles" does
3 37 not mean utility vehicles, vans other than passenger
3 38 minivans, fire trucks, ambulances, motor homes, buses,
3 39 medium-duty and heavy-duty trucks, heavy construction
3 40 equipment, and other highway maintenance vehicles,
3 41 vehicles assigned for law enforcement purposes,
3 42 vehicles assigned for specialized use by the department
3 43 of natural resources, and any other classes of vehicles
3 44 of limited application approved by the director of the
3 45 department of administrative services.
3 46 Sec. 9. DEPARTMENT OF ADMINISTRATIVE SERVICES ====
3 47 OFFICE SPACE ==== COST-BENEFIT ANALYSIS. Following
3 48 the filing of the cost-benefit analysis required
3 49 pursuant to 2010 Iowa Acts, chapter 1184, section
3 50 49, the department of administrative services



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4 1 shall locate state employees in office space in the
4 2 most cost=efficient manner possible. However, the
4 3 department shall not terminate a lease for office space
4 4 outside of the capitol complex at a time when early
4 5 termination penalties would be applicable for doing so.
4 6 Sec. 10. EFFECTIVE UPON ENACTMENT. This division
4 7 of this Act, being deemed of immediate importance,
4 8 takes effect upon enactment.

4 9 DIVISION III

4 10 ECONOMIC DEVELOPMENT

4 11 Sec. 11. Section 15.108, subsection 5, paragraph c,
4 12 Code 2011, is amended to read as follows:

4 13 c. Coordinate and develop with the department of
4 14 transportation, the department of natural resources,
4 15 the department of cultural affairs, ~~the generation~~
~~4 16 Iowa commission,~~ the vision Iowa board, other state
4 17 agencies, and local and regional entities public
4 18 interpretation, marketing, and education programs
4 19 that encourage Iowans and out=of=state visitors
4 20 to participate in the recreational and leisure
4 21 opportunities available in Iowa. The department shall
4 22 establish and administer a program that helps connect
4 23 both Iowa residents and residents of other states to
4 24 new and existing Iowa experiences as a means to enhance
4 25 the economic, social, and cultural well=being of the
4 26 state. The program shall include a broad range of
4 27 new opportunities, both rural and urban, including
4 28 main street destinations, green space initiatives, and
4 29 artistic and cultural attractions.

4 30 Sec. 12. 2010 Iowa Acts, chapter 1186, section 1,
4 31 subsection 11, is amended to read as follows:

4 32 11. For membership in North America's supercorridor
4 33 coalition:

4 34 \$ 50,000

4 35 Beginning July 1, 2011, the department shall not
4 36 renew membership in North America's supercorridor
4 37 coalition.

4 38 Sec. 13. REPEAL. Section 15.421, Code 2011, is
4 39 repealed.

4 40 Sec. 14. EFFECTIVE UPON ENACTMENT. This division
4 41 of this Act, being deemed of immediate importance,
4 42 takes effect upon enactment.

4 43 DIVISION IV

4 44 EDUCATION

4 45 Sec. 15. 2010 Iowa Acts, chapter 1183, section 6,
4 46 subsection 1, is amended to read as follows:

4 47 1. GENERAL ADMINISTRATION

4 48 For salaries, support, maintenance, miscellaneous
4 49 purposes, and for not more than the following full=time
4 50 equivalent positions:



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1 \$ 7,096,482
 2 7,037,482
 3 FTEs 83.67
 4 Sec. 16. LIBRARY ACQUISITION FUNDING ==== DEPARTMENT
 5 OF EDUCATION ==== STATE LIBRARY.
 6 1. For the period beginning on the effective date
 7 of this section through the close of the fiscal year
 8 ending on June 30, 2011, the department of education
 9 shall be subject to a limitation on expenditures made
 10 on or after the effective date of this section for
 11 library acquisitions at the state library including
 12 digital acquisitions.
 13 2. The limitation shall be equal to 50 percent
 14 of the unexpended or unencumbered amount that the
 15 department of education has budgeted or otherwise
 16 designated for purposes of library acquisitions,
 17 including digital acquisitions, from the appropriations
 18 made to the department from all sources, as of the
 19 effective date of this section.
 20 Sec. 17. REGENTS UNIVERSITY LEAVE LIMITATION. For
 21 the period beginning on the effective date of this
 22 section and ending June 30, 2012, the state board of
 23 regents shall limit the number of leave of absence
 24 assignments granted pursuant to section 262.9,
 25 subsection 14, to not more than the equivalent of
 26 3 percent of the faculty staff members employed at
 27 each of the institutions under the state board. In
 28 addition, the board shall establish policies and
 29 oversight to ensure that the assignments enhance the
 30 core mission of the institutions. The board shall
 31 annually prepare a report comparing each assignment
 32 proposal to the results received.
 33 Sec. 18. EFFECTIVE UPON ENACTMENT. This division
 34 of this Act, being deemed of immediate importance,
 35 takes effect upon enactment.
 36 DIVISION V
 37 HEALTH AND HUMAN SERVICES
 38 Sec. 19. Section 217.6, Code 2011, is amended by
 39 adding the following new unnumbered paragraph:
 40 NEW UNNUMBERED PARAGRAPH The rules and regulations
 41 adopted for the public benefits and programs
 42 administered by the department of human services shall
 43 apply the residency eligibility restrictions required
 44 by federal and state law.
 45 Sec. 20. DEPARTMENT ON AGING ==== PLAN FOR REDUCTION
 46 IN NUMBER OF AREA AGENCIES ON AGING. The department on
 47 aging shall develop a plan for reducing the number of
 48 area agencies on aging in the state, to be effective
 49 beginning July 1, 2012. The department shall submit
 50 the plan to the standing committees on human resources



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6 1 of the senate and house of representatives and the
6 2 joint appropriations subcommittee on health and human
6 3 services on or before December 15, 2011.

6 4 LEGISLATIVE HEALTH CARE

6 5 COVERAGE COMMISSION

6 6 Sec. 21. 2009 Iowa Acts, chapter 118, section 1,
6 7 subsection 11, is amended to read as follows:

6 8 11. This section is repealed on ~~December 31, 2011~~

6 9 ~~July 1, 2013.~~

6 10 Sec. 22. 2009 Iowa Acts, chapter 183, section 65,
6 11 subsection 3, is amended to read as follows:

6 12 3. There is appropriated from the human services
6 13 reinvestment fund for the fiscal year beginning July 1,
6 14 2009, and ending June 30, 2010, the following amount to
6 15 be used for the following designated purpose:

6 16 For the legislative services agency to be used
6 17 for costs associated with the legislative health
6 18 care coverage commission created in 2009 Iowa Acts,
6 19 Senate File 389, if enacted, or a similar legislative
6 20 commission:

6 21 \$315,000
6 22 160,000

6 23 Notwithstanding section 8.33, moneys appropriated in
6 24 this subsection that remain unencumbered or unobligated
6 25 at the close of the fiscal year shall not revert but
6 26 shall remain available for expenditure for the purposes
6 27 designated until the close of the fiscal year that
6 28 begins July 1, 2010.

6 29 Sec. 23. EFFECTIVE UPON ENACTMENT. This division
6 30 of this Act, being deemed of immediate importance,
6 31 takes effect upon enactment.

6 32 DIVISION VI

6 33 INFRASTRUCTURE AND TRANSPORTATION

6 34 Sec. 24. WILDFLOWERS. For the period beginning on
6 35 the effective date of this section through the close of
6 36 the fiscal year ending June 30, 2011, the department of
6 37 transportation shall only pay for wildflowers or other
6 38 aesthetic plantings when justified to prevent erosion
6 39 or control weed growth, and to reduce maintenance
6 40 costs.

6 41 Sec. 25. SUSTAINABLE COMMUNITIES ==== JOINT
6 42 APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
6 43 INFRASTRUCTURE, AND CAPITALS. The joint appropriations
6 44 subcommittee on transportation, infrastructure, and
6 45 capitals shall develop and, on or before April 4, 2011,
6 46 shall submit recommended implementation provisions to
6 47 the general assembly's committees on appropriations
6 48 in proposed legislation concerning reductions of all
6 49 identifiable appropriations enacted by the Eighty-third
6 50 General Assembly, 2010 session, for purposes of



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7 1 sustainable communities projects.

7 2 Sec. 26. 2010 Iowa Acts, chapter 1184, section 1,
7 3 subsection 1, paragraph c, unnumbered paragraph 1, is
7 4 amended to read as follows:

7 5 For the state's share of support in conjunction
7 6 with the city of Des Moines and local area businesses
7 7 to provide a free shuttle service to the citizens
7 8 of Iowa that includes transportation between the
7 9 capitol complex and the downtown Des Moines area,
7 10 notwithstanding section 8.57, subsection 6, paragraph
7 11 "c":

7 12	\$	200,000
7 13		<u>125,000</u>

7 14 Sec. 27. EFFECTIVE UPON ENACTMENT. This division
7 15 of this Act, being deemed of immediate importance,
7 16 takes effect upon enactment.

7 17 DIVISION VII
7 18 REBUILD IOWA OFFICE

7 19 Sec. 28. Section 16.191, subsection 2, paragraph e,
7 20 Code 2011, is amended to read as follows:

7 21 e. ~~The executive director of the rebuild Iowa~~
~~7 22 office or the director's designee until June 30, 2011,~~
~~7 23 and then the administrator of the homeland security~~
7 24 and emergency management division of the department of
7 25 public defense or the administrator's designee.

7 26 Sec. 29. Section 29C.20B, subsection 1, Code 2011,
7 27 is amended to read as follows:

7 28 1. ~~The rebuild Iowa office shall work with the~~
7 29 department of human services and nonprofit, voluntary,
7 30 and faith-based organizations active in disaster
7 31 recovery and response in coordination with the homeland
7 32 security and emergency management division shall
~~7 33 work to establish a statewide system of disaster case~~
7 34 management to be activated following the governor's
7 35 proclamation of a disaster emergency or the declaration
7 36 of a major disaster by the president of the United
7 37 States for individual assistance purposes. Under
7 38 the system, the department of human services shall
7 39 coordinate case management services locally through
7 40 local committees as established in each local emergency
7 41 management commission's emergency plan. ~~Beginning~~
~~7 42 July 1, 2011, the department of human services shall~~
~~7 43 assume the duties of the rebuild Iowa office under this~~
~~7 44 subsection.~~

7 45 Sec. 30. Section 29C.20B, subsection 2, unnumbered
7 46 paragraph 1, Code 2011, is amended to read as follows:

7 47 The department of human services, in conjunction
7 48 with ~~the rebuild Iowa office,~~ the homeland security
7 49 and emergency management division, and an Iowa
7 50 representative to the national voluntary organizations



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8 1 active in disaster, shall adopt rules pursuant to
8 2 chapter 17A to create coordination mechanisms and
8 3 standards for the establishment and implementation of
8 4 a statewide system of disaster case management which
8 5 shall include at least all of the following:

8 6 Sec. 31. Section 103A.8C, subsection 1, Code 2011,
8 7 is amended to read as follows:

8 8 1. The commissioner, after consulting with
8 9 and receiving recommendations from the department
8 10 of public defense, ~~and the department of natural~~
8 11 ~~resources, and the rebuild Iowa office,~~ shall adopt
8 12 rules pursuant to chapter 17A specifying standards and
8 13 requirements for design and construction of safe rooms
8 14 and storm shelters. In developing these standards,
8 15 the commissioner shall consider nationally recognized
8 16 standards. The standards and requirements shall be
8 17 incorporated into the state building code established
8 18 in section 103A.7, but shall not be interpreted
8 19 to require the inclusion of a safe room or storm
8 20 shelter in a building construction project unless such
8 21 inclusion is expressly required by another statute
8 22 or by a federal statute or regulation. However,
8 23 if a safe room or storm shelter is included in any
8 24 building construction project which reaches the
8 25 design development phase on or after January 1, 2011,
8 26 compliance with the standards developed pursuant to
8 27 this section shall be required.

8 28 Sec. 32. Section 466B.3, subsection 4, paragraph n,
8 29 Code 2011, is amended by striking the paragraph.

8 30 Sec. 33. 2009 Iowa Acts, chapter 169, section 10,
8 31 subsection 6, is amended to read as follows:

8 32 6. This section is repealed ~~June 30, 2011~~ on the
8 33 effective date of this section of this 2011 Iowa Act.

8 34 Sec. 34. 2010 Iowa Acts, chapter 1189, section 28,
8 35 is amended to read as follows:

8 36 SEC. 28. REBUILD IOWA OFFICE.

8 37 There is appropriated from the general fund of the
8 38 state to the rebuild Iowa office for the fiscal year
8 39 beginning July 1, 2010, and ending June 30, 2011, the
8 40 following amount, or so much thereof as is necessary,
8 41 to be used for the purposes designated:

8 42 For salaries, support, maintenance, and
8 43 miscellaneous purposes, and for not more than the
8 44 following full-time equivalent positions:

8 45	\$	647,014
8 46		<u>431,014</u>
8 47	FTEs	12.00

8 48 It is the intent of the general assembly that the
8 49 rebuild Iowa office shall be repealed effective June
8 50 30, 2011, and shall not receive an appropriation from



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9 1 the general fund of the state after that date.
9 2 Sec. 35. REBUILD IOWA OFFICE ELIMINATION ====
9 3 TRANSFER OF DUTIES. Beginning on the effective date
9 4 of this division of this Act, the homeland security
9 5 and emergency management division of the department of
9 6 public defense shall assume all duties of the rebuild
9 7 Iowa office.
9 8 Sec. 36. REBUILD IOWA OFFICE ELIMINATION ==== JOINT
9 9 APPROPRIATIONS SUBCOMMITTEE ON THE JUSTICE SYSTEM. The
9 10 joint appropriations subcommittee on the justice system
9 11 shall consult with the homeland security and emergency
9 12 management division of the department of public defense
9 13 and other relevant sources in proposing legislation
9 14 identifying the appropriate state agencies to assume
9 15 the duties of the rebuild Iowa office.
9 16 Sec. 37. EFFECTIVE UPON ENACTMENT. This division
9 17 of this Act, being deemed of immediate importance,
9 18 takes effect upon enactment.
9 19 DIVISION VIII
9 20 CORRECTIVE PROVISIONS
9 21 EARLY CHILDHOOD IOWA INITIATIVE
9 22 Sec. 38. 2010 Iowa Acts, chapter 1031, section 310,
9 23 is amended by adding the following new subsection:
9 24 5. a. References to community empowerment areas
9 25 in 2010 Iowa Acts, shall be deemed to instead refer to
9 26 early childhood Iowa areas, including but not limited
9 27 to such references made in the following provisions:
9 28 (1) 2010 Iowa Acts, chapter 1183, section 6,
9 29 subsection 10, paragraph "c".
9 30 (2) 2010 Iowa Acts, chapter 1192, section 2,
9 31 subsection 4, paragraph "a".
9 32 (3) 2010 Iowa Acts, chapter 1192, section 6,
9 33 subsection 12.
9 34 b. References to the Iowa empowerment fund and the
9 35 school ready children grants account in 2010 Iowa Acts,
9 36 shall be deemed to instead refer to the early childhood
9 37 Iowa fund and the comparable account within that fund,
9 38 including but not limited to such references made in
9 39 the following provisions: 2010 Iowa Acts, chapter
9 40 1183, section 6, subsections 10, 11, and 12.
9 41 UNEMPLOYMENT COMPENSATION PROGRAM REFERENCE
9 42 Sec. 39. 2010 Iowa Acts, chapter 1188, section 22,
9 43 is amended to read as follows:
9 44 SEC. 22. UNEMPLOYMENT COMPENSATION
9 45 PROGRAM. Notwithstanding section 96.9, subsection
9 46 4, paragraph "a", moneys credited to the state by
9 47 the secretary of the treasury of the United States
9 48 pursuant to section 903 of the Social Security Act
9 49 are appropriated to the department of workforce
9 50 development and shall be used by the department for the



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10 1 administration of the unemployment compensation program
10 2 only. This appropriation shall not apply to any fiscal
10 3 year beginning after December 31, ~~2009~~ 2010.

10 4 DIVISION IX

10 5 GOVERNMENT EFFICIENCY MEASURES

10 6 Sec. 40. PRESCRIPTION DRUG PURCHASING. The
10 7 standing committees on human resources of the
10 8 senate and house of representatives and the joint
10 9 appropriations subcommittee on health and human
10 10 services shall consult with appropriate parties in
10 11 developing a plan to achieve significant costs savings
10 12 by implementing a sole source contract or other means
10 13 of consolidating pharmacy services and prescription
10 14 drug purchasing for state employees, Medicaid program
10 15 recipients, patients at state institutions, inmates at
10 16 correctional facilities, and other persons for whom
10 17 the state pays a significant portion of prescription
10 18 drug costs. The plan shall be submitted in the form
10 19 of proposed legislation for consideration by the
10 20 Eighty-fourth General Assembly, 2011 Session.

10 21 Sec. 41. Section 8.51, Code 2011, is amended to
10 22 read as follows:

10 23 ~~8.51 Fiscal year of political~~ Political subdivisions
10 24 ~~==== fiscal year ==== unexpended funds.~~

10 25 1. The fiscal year of cities, counties, and other
10 26 political subdivisions of the state shall begin July 1
10 27 and end the following June 30. For the purpose of this
10 28 section, the term political subdivision includes school
10 29 districts.

10 30 2. Each department that provides state funding to
10 31 a political subdivision of the state shall annually
10 32 review the statutory and regulatory requirements
10 33 applicable to the political subdivision's receipt
10 34 of the funding. The purpose of the review is to
10 35 identify any barrier in statute or departmental rule
10 36 or policy that would prevent recovery of any such
10 37 state funding provided to a political subdivision that
10 38 remains unencumbered or unobligated and the political
10 39 subdivision no longer complies with requirements to
10 40 receive the state funding. If an identified barrier
10 41 exists in state law, the department shall propose
10 42 legislation to the governor and general assembly to
10 43 remove the barrier. If an identified barrier is in
10 44 departmental rule or policy, the department shall amend
10 45 the rule or policy to remove the barrier.

10 46 Sec. 42. EFFECTIVE UPON ENACTMENT. This division
10 47 of this Act, being deemed of immediate importance,
10 48 takes effect upon enactment.

10 49 DIVISION X

10 50 BUDGET AND TAX RATE DATABASE



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11 1 Sec. 43. Section 8.6, Code 2011, is amended by
11 2 adding the following new subsection:
11 3 NEW SUBSECTION. 9A. Budget and tax rate
11 4 databases. To develop and make available to the public
11 5 a searchable budget database and internet site as
11 6 required under chapter 8G, division I, and to develop
11 7 and make available to the public a searchable tax rate
11 8 database and internet site as required under chapter
11 9 8G, division II.
11 10 Sec. 44. Section 8A.502, subsection 9, Code 2011,
11 11 is amended by striking the subsection.
11 12 Sec. 45. NEW SECTION. 8G.1 Intent ==== findings.
11 13 The general assembly finds that taxpayers should
11 14 be able to easily access the details on how the state
11 15 is spending their tax dollars and the performance
11 16 results achieved for those expenditures. Therefore,
11 17 it is the intent of the general assembly to direct
11 18 the department of management to create and maintain a
11 19 searchable budget database and internet site detailing
11 20 where tax dollars are expended, the purposes for which
11 21 tax dollars are expended, and the results achieved for
11 22 all taxpayer investments in state government.
11 23 Sec. 46. NEW SECTION. 8G.2 Short title.
11 24 This subchapter shall be known as and may be cited
11 25 as the "Taxpayer Transparency Act".
11 26 Sec. 47. NEW SECTION. 8G.3 Definitions.
11 27 As used in this subchapter, unless the context
11 28 otherwise requires:
11 29 1. "Agency" means a state department, office,
11 30 board, commission, bureau, division, institution,
11 31 or public institution of higher education. "Agency"
11 32 includes individual state agencies and programs,
11 33 as well as those programs and activities that are
11 34 administered by or involve more than one agency.
11 35 "Agency" includes all elective offices in the executive
11 36 branch of government and the general assembly.
11 37 "Agency" includes the judicial branch of state
11 38 government.
11 39 2. "Director" means the director of the department
11 40 of management.
11 41 3. "Entity" or "recipients" means any of the
11 42 following:
11 43 a. A corporation.
11 44 b. An association.
11 45 c. An employee union.
11 46 d. A limited liability company.
11 47 e. A limited liability partnership.
11 48 f. Any other legal business entity, including
11 49 nonprofit entities.
11 50 g. A grant recipient.



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12 1 h. Contractors.

12 2 i. A county, city, school district, or other local

12 3 government entity.

12 4 "Entity" or "recipients" does not include an

12 5 individual recipient of state assistance. The

12 6 department of management shall define by rule adopted

12 7 pursuant to chapter 17A the meaning of the term

12 8 "individual recipient of state assistance".

12 9 4. "Funding action or expenditure" includes details

12 10 on the type of spending that is provided including but

12 11 not limited to grants, contracts, and appropriations.

12 12 "Funding action or expenditure" includes tax exemptions

12 13 or credits. Where possible, an electronic link to

12 14 the actual grants or contracts shall be provided.

12 15 An electronic link shall be in a format that is a

12 16 searchable document.

12 17 5. "Funding source" means the state account or fund

12 18 from which the expenditure is appropriated.

12 19 6. "Searchable internet site" means an internet site

12 20 that allows the public at no cost to search and compile

12 21 the information identified in section 8G.4 and that

12 22 provides such information in a format capable of being

12 23 downloaded from the site to personal computers.

12 24 7. "State audit or report" shall include any audit

12 25 or report issued by the auditor of state, department of

12 26 management, legislative services agency, legislative

12 27 committee, or executive body relating to the entity or

12 28 recipient of funds, the budget program or activity, or

12 29 agency.

12 30 8. "Tax exemption or credit" means an exclusion from

12 31 the operation or collection of a tax imposed in this

12 32 state. Tax exemption or credit includes tax credits,

12 33 exemptions, deductions, and rebates. "Tax exemption or

12 34 credit" also includes sales tax refunds if such refunds

12 35 are applied for and granted as a form of financial

12 36 assistance, including but not limited to the refunds

12 37 allowed in sections 15.331A and 423.4.

12 38 9. "Taxing jurisdiction" means a political

12 39 subdivision of the state with the authority to levy

12 40 taxes. Taxing jurisdiction includes but is not limited

12 41 to a city, a county, a school district, and a township.

12 42 Sec. 48. NEW SECTION. 8G.4 Searchable budget

12 43 database internet site created.

12 44 1. By January 1, 2013, the director shall develop

12 45 and make publicly available a database internet

12 46 site for searching, accessing, and processing data,

12 47 including the data required in this section, for the

12 48 most recent state budget. The internet site shall

12 49 be developed in such a way that the information can

12 50 be provided to other software applications, including



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13 1 internet software applications, in a manner and format
13 2 that allows such software applications to access and
13 3 interpret the data using the internal programming of
13 4 the software applications.
13 5 2. The searchable internet site developed pursuant
13 6 to this section shall allow the public at no cost to
13 7 search and compile the information provided pursuant to
13 8 this subsection. Each state agency shall provide the
13 9 following:
13 10 a. Name of the entity or recipient of state funds.
13 11 b. Amount of state funds expended.
13 12 c. Funding or expending agency.
13 13 d. Funding source.
13 14 e. Budget program or activity of the expenditure.
13 15 f. Descriptive purpose for the funding action or
13 16 expenditure.
13 17 g. Expected performance outcome for the funding
13 18 action or expenditure, to the extent that such
13 19 information is available and can be provided.
13 20 h. Past performance outcomes achieved for the
13 21 funding action or expenditure, to the extent that such
13 22 information is available and can be provided.
13 23 i. State audit or report relating to the entity
13 24 or recipient of state funds or the budget program or
13 25 activity or agency.
13 26 j. Any other relevant information specified by the
13 27 director.
13 28 3. a. In providing information pursuant to this
13 29 section on tax exemptions or credits, the department of
13 30 revenue shall do the following:
13 31 (1) Provide aggregate information for those tax
13 32 exemptions or credits that are claimed by individual
13 33 taxpayers.
13 34 (2) Provide the information described in subsection
13 35 2 for those tax exemptions or credits that are awarded
13 36 by an agency.
13 37 (3) Adhere to all applicable confidentiality
13 38 provisions to the extent possible while complying with
13 39 the requirements of this section.
13 40 b. An agency awarding tax exemptions or credits
13 41 shall provide to the department of revenue any
13 42 information the department may request regarding such
13 43 exemptions or credits.
13 44 4. In addition to the information to be provided
13 45 pursuant to subsection 2, there shall be provided on
13 46 the searchable internet site all of the following:
13 47 a. A listing and description of awarded tax credits
13 48 claimed for the individual income tax, corporate income
13 49 tax, franchise tax, and insurance premiums tax. An
13 50 awarded tax credit is a tax credit allowed and claimed



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14 1 through a state=authorized program. For each category
14 2 of tax the internet site shall list each of the awarded
14 3 tax credits applicable to it, the total amount of
14 4 that tax credit claimed, and the number of taxpayers
14 5 claiming the tax credit.

14 6 b. The estimated cost to the state of each of
14 7 the twenty sales tax exemptions that account for the
14 8 largest dollar amount share of sales tax exemptions
14 9 under section 423.3. The cost of each exemption shall
14 10 be listed by county and, in addition, stated as a per
14 11 capita amount for each county. This paragraph does not
14 12 apply to the tax exemptions pursuant to section 423.3,
14 13 subsections 2, 31, 39, 58, 73, and 85.

14 14 c. The information to be provided pursuant to
14 15 subsection 2 shall also be provided for entities or
14 16 recipients of the awarded tax credits or exemptions
14 17 described in this subsection.

14 18 5. In providing information pursuant to this
14 19 section on tax exemptions or tax credits, the
14 20 confidentiality provisions of Iowa law and federal law
14 21 shall apply and be adhered to.

14 22 6. This section does not apply to local
14 23 governments.

14 24 Sec. 49. NEW SECTION. 8G.5 Internet site updates.

14 25 1. Effective July 1, 2013, the internet site shall
14 26 be updated regularly as new data and information become
14 27 available, but shall be updated no less frequently than
14 28 annually within thirty days following the close of
14 29 the state fiscal year. In addition, the director may
14 30 update the internet site as new data becomes available.
14 31 All agencies shall provide to the director data that
14 32 is required to be included on the internet site not
14 33 later than thirty days after the data becomes available
14 34 to the agency. The director shall provide guidance
14 35 to agency heads or the governing body of an agency to
14 36 ensure compliance with this section.

14 37 2. By January 1, 2014, the director shall add data
14 38 for the previous budgets to the internet site. Data
14 39 for previous fiscal years may be added as it becomes
14 40 available and as time permits. The director shall
14 41 ensure that all data added to the internet site remain
14 42 accessible to the public for a minimum of ten years.

14 43 Sec. 50. NEW SECTION. 8G.6 Noncompliance.

14 44 The director shall not be considered in compliance
14 45 with this subchapter if the data required for the
14 46 internet site is not available in a searchable manner
14 47 and capable of being compiled or if the public is
14 48 redirected to other government internet sites unless
14 49 each of those sites displays information from all
14 50 agencies and each category of information required can



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15 1 be searched electronically by field in a single search.
15 2 Sec. 51. NEW SECTION. 8G.10 Intent === findings.
15 3 The general assembly finds that increasing
15 4 the ease of public access to state and local tax
15 5 rates, particularly where the rates are currently
15 6 available from disparate government sources and are
15 7 difficult for the public to collect and efficiently
15 8 aggregate, significantly contributes to governmental
15 9 accountability, public participation, and the
15 10 understanding of the cost of government services.
15 11 Therefore, it is the intent of the general assembly to
15 12 direct the department of management, in consultation
15 13 with the department of revenue, to create and maintain
15 14 a searchable database and internet site of each tax
15 15 rate for all taxing jurisdictions in the state to make
15 16 citizen access to state and local tax rates as open,
15 17 transparent, and publicly accessible as is feasible.
15 18 Sec. 52. NEW SECTION. 8G.11 Short title.
15 19 This subchapter shall be known and cited as the
15 20 "Taxation Disclosure Act".
15 21 Sec. 53. NEW SECTION. 8G.12 Tax rate database.
15 22 1. Searchable tax rate database. By January 1,
15 23 2012, the department of management, in consultation
15 24 with the department of revenue, shall make publicly
15 25 available on an internet site a searchable database
15 26 of all tax rates in the state for each taxing
15 27 jurisdiction. The information shall include all
15 28 applicable tax types imposed in the taxing jurisdiction
15 29 and shall be organized, presented, and accessible, to
15 30 the extent possible, by county, city, and physical
15 31 address for each residency or business. Individual tax
15 32 levies shall be further specified within each tax rate.
15 33 2. Geographical tax rate map. In addition to
15 34 searching for tax rates in the manner described
15 35 in subsection 1, searches shall be accommodated by
15 36 a geographical tax rate map of the state that is
15 37 capable of being displayed with a level of specificity
15 38 corresponding to each taxing jurisdiction.
15 39 3. Individual tax rate calculator. Tax rate
15 40 calculators shall be provided on the searchable
15 41 database to allow citizens and businesses to calculate
15 42 taxes based on the location of the citizen or business.
15 43 Calculation capability shall be provided at a minimum
15 44 for property, sales, use, income, vehicle, and business
15 45 taxes and shall be specific to the rate for the taxing
15 46 jurisdiction identified by the citizen or business.
15 47 Sec. 54. NEW SECTION. 8G.13 Updating database.
15 48 To facilitate the department of management's efforts
15 49 in creating and maintaining a searchable database of
15 50 the taxes identified in section 8G.12, subsection 3,



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16 1 for all taxing jurisdictions in the state, each taxing
16 2 jurisdiction may annually be required to report its tax
16 3 rates to the department of management or the department
16 4 of revenue and shall report any changes to its tax
16 5 rates within thirty days of the change.>
16 6 #2. Title page, by striking lines 1 through 5 and
16 7 inserting <An Act relating to public funding and
16 8 regulatory matters and revising appropriations and
16 9 including effective and other applicability date
16 10 provisions, and making penalties applicable.>
16 11 #3. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
ROBERT E. DVORSKY, CHAIRPERSON
HF45.422 (1) 84
jp/tm



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Senate File 206 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO SF 71)

A BILL FOR

1 An Act providing for waivers of certain community attraction
2 and tourism program requirements and including retroactive
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1692SV (3) 84
tw/sc



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Senate File 206 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 15F.207 Waivers of matching funds
1 2 requirements.
1 3 1. An applicant for financial assistance under the
1 4 provisions of this subchapter may apply to the vision Iowa
1 5 board for a waiver of any local or private matching moneys
1 6 required of the applicant by the board pursuant to section
1 7 15F.202.
1 8 2. To qualify for a waiver pursuant to this section, an
1 9 applicant shall meet all of the following requirements:
1 10 a. The applicant shall be located in an area declared a
1 11 disaster area by the governor or by a federal official.
1 12 b. The applicant shall apply for the waiver within two years
1 13 of the date the disaster declaration was issued.
1 14 c. The applicant shall demonstrate that a waiver is
1 15 necessary as a result of the natural disaster. For the
1 16 purposes of this paragraph, a waiver shall be considered
1 17 necessary if the disaster has materially contributed to
1 18 difficulties in financing the applicant's project.
1 19 3. The board may grant a waiver for all or a portion of the
1 20 amount requested to be waived pursuant to this section.
1 21 4. The board may place reasonable conditions or
1 22 requirements specific to the project on any applicant receiving
1 23 a waiver pursuant to this section.
1 24 Sec. 2. RETROACTIVE APPLICABILITY.
1 25 1. This Act applies retroactively to January 1, 2008, for
1 26 disaster declarations issued on or after that date.
1 27 2. Notwithstanding section 15F.207, subsection 2, paragraph
1 28 "b", an applicant located in a disaster area declared during
1 29 calendar year 2008 may qualify for a waiver pursuant to section
1 30 15F.207 if the applicant applies for the waiver on or before
1 31 June 30, 2013.
1 32 EXPLANATION
1 33 This bill provides for waivers of the matching funds
1 34 requirements for applicants under the community attraction and
1 35 tourism program and the river enhancement community attraction



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Senate File 206 - Introduced continued

2 1 and tourism program if the applicants are located in declared
2 2 disaster areas.
2 3 In 2009, the general assembly passed Senate File 336
2 4 providing for such waivers, but only between July 1, 2009,
2 5 and June 30, 2010. In order to extend the availability of
2 6 waivers, the bill makes them a permanent part of the program.
2 7 The bill applies retroactively to January 1, 2008, for disaster
2 8 declarations issued on or after that date. Applicants located
2 9 in a disaster area declared during 2008 must apply for a waiver
2 10 on or before June 30, 2013.

LSB 1692SV (3) 84

tw/sc



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Senate File 207 - Introduced

SENATE FILE
BY GRONSTAL

A BILL FOR

1 An Act requiring certain not=for=profit organizations to file
2 campaign disclosure reports and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1929SS (6) 84
jr/sc



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Senate File 207 - Introduced continued

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1 1 Section 1. Section 68A.102, subsection 18, paragraph b,
1 2 Code 2011, is amended to read as follows:
1 3 b. An association, lodge, society, cooperative, union,
1 4 fraternity, sorority, educational institution, civic
1 5 organization, labor organization, religious organization, ~~or~~
1 6 professional organization, or any organization qualifying under
1 7 26 U.S.C. { 501(c)(4) or { 501(c)(6) as an organization exempt
1 8 from taxation that accepts contributions in excess of seven
1 9 hundred fifty dollars in the aggregate, makes expenditures in
1 10 excess of seven hundred fifty dollars in the aggregate, or
1 11 incurs indebtedness in excess of seven hundred fifty dollars in
1 12 the aggregate in any one calendar year to ~~expressly advocate~~
1 13 ~~the nomination, election, or defeat of a candidate for public~~
1 14 ~~office, or to expressly advocate the passage or defeat of a~~
1 15 ~~ballot issue~~ engage in activities related to the nomination,
1 16 election, or defeat of a candidate for public office or related
1 17 to issue advocacy.
1 18 Sec. 2. Section 68A.401A, subsection 1, unnumbered
1 19 paragraph 1, Code 2011, is amended to read as follows:
1 20 A political organization that is required to file reports
1 21 with the internal revenue service, pursuant to 26 U.S.C. { 527,
1 22 or an organization qualifying under 26 U.S.C. { 501(c)(4) or {
1 23 501(c)(6) as an organization exempt from taxation shall file
1 24 a report with the board if that organization does both of the
1 25 following:
1 26 Sec. 3. Section 68A.401A, subsection 3, Code 2011, is
1 27 amended to read as follows:
1 28 3. a. The board shall by rule establish a procedure for
1 29 the filing of reports required by this section. To the extent
1 30 practicable the reporting periods and filing due dates shall be
1 31 the same as set out in 26 U.S.C. { 527(j)(2).
1 32 b. The report required from an organization qualifying under
1 33 26 U.S.C. { 501(c)(4) or { 501(c)(6) as an organization exempt
1 34 from taxation shall contain the same information as a report
1 35 prepared pursuant to 26 U.S.C. { 527.



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2 1 EXPLANATION
2 2 A "501(c)" is a tax=exempt, nonprofit corporation or
2 3 association. The term is a reference to the United States
2 4 Internal Revenue Code. A 501(c)(4) organization includes a
2 5 nonprofit civic league or organization operated exclusively
2 6 for the promotion of social welfare. A 501(c)(6) organization
2 7 includes a business league, chamber of commerce, or
2 8 similar group not organized for profit. This bill amends
2 9 the definition of "political committee" to include these
2 10 organizations.
2 11 The bill also requires organizations qualifying as exempt
2 12 from taxation under { 501(c)(4) or { 501(c)(6) of the Internal
2 13 Revenue Code to file reports with the ethics and campaign
2 14 finance disclosure board if they participate in Iowa campaigns,
2 15 engage in issue advocacy, or expect to receive \$25,000 or more
2 16 in gross receipts in a year.
2 17 The report for a { 501(c)(4) or { 501(c)(6) organization must
2 18 contain the same information as a report prepared pursuant to
2 19 26 U.S.C. { 527, relating to political organizations.
2 20 As provided in Code section 68A.701, a willful violation of
2 21 any provision of the campaign finance Code chapter is a serious
2 22 misdemeanor punishable by confinement for up to one year and
2 23 a fine of at least \$315 but not more than \$1,875. A variety
2 24 of civil remedies are also available in Code section 68B.32D
2 25 for a violation of Code chapter 68A or rules of the ethics and
2 26 campaign disclosure board, ranging from a reprimand to a civil
2 27 penalty of not more than \$2,000.
LSB 1929SS (6) 84
jr/sc



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Senate File 208 - Introduced

SENATE FILE
BY KETTERING

A BILL FOR

1 An Act providing for the issuance and display of one motor
2 vehicle registration plate.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1469XS (6) 84
dea/nh



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1 1 Section 1. Section 8A.362, subsection 8, Code 2011, is
1 2 amended to read as follows:
1 3 8. The director shall require that a sign be placed on
1 4 each state=owned motor vehicle in a conspicuous place which
1 5 indicates its ownership by the state. This requirement
1 6 shall not apply to motor vehicles requested to be exempt by
1 7 the director or by the commissioner of public safety. All
1 8 state=owned motor vehicles shall display a registration
1 9 ~~plates~~ plate bearing the word "official" except motor vehicles
1 10 requested to be furnished with an ordinary ~~plates~~ plate by the
1 11 director or by the commissioner of public safety pursuant to
1 12 section 321.19. The director shall keep an accurate record of
1 13 the registration plates used on all state=owned motor vehicles.
1 14 Sec. 2. Section 321.18, subsection 7, Code 2011, is amended
1 15 to read as follows:
1 16 7. Any school bus in this state used exclusively for
1 17 the transportation of pupils to and from school or a school
1 18 function or for the purposes provided in section 285.1,
1 19 subsection 1, and section 285.10, subsection 9, or used
1 20 exclusively for the transportation of children enrolled in a
1 21 federal head start program. Upon application the department
1 22 shall, without charge, issue a registration certificate and
1 23 registration ~~plates~~ plate. The ~~plates~~ plate shall be attached
1 24 to the ~~front and~~ rear of each bus exempt from registration
1 25 under this subsection.
1 26 Sec. 3. Section 321.19, subsection 1, Code 2011, is amended
1 27 to read as follows:
1 28 1. a. All vehicles owned or leased for a period of sixty
1 29 days or more by the government and used in the transaction of
1 30 official business by the representatives of foreign governments
1 31 or by officers, boards, or departments of the government of the
1 32 United States, and by the state, counties, municipalities and
1 33 other political subdivisions of the state including vehicles
1 34 used by an urban transit company operated by a municipality or
1 35 a regional transit system, and self=propelling vehicles used



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2 1 neither for the conveyance of persons for hire, pleasure, or
2 2 business nor for the transportation of freight other than those
2 3 used by an urban transit company operated by a municipality or
2 4 a regional transit system, all fire trucks, providing they are
2 5 not owned and operated for a pecuniary profit, and authorized
2 6 emergency vehicles used only in disaster relief owned and
2 7 operated by an organization not operated for pecuniary profit,
2 8 are exempted from the payment of the registration fees imposed
2 9 by this chapter, except as provided for urban transit companies
2 10 in subsection 2, but are not exempt from the penalties provided
2 11 in this chapter.
2 12 b. The department shall furnish, on application, free of
2 13 charge, distinguishing plates for vehicles thus exempted,
2 14 which plates except plates on state patrol vehicles shall bear
2 15 the word "official" and the department shall keep a separate
2 16 record. Registration plates issued for state patrol vehicles,
2 17 except unmarked patrol vehicles, shall bear two red stars
2 18 on a yellow background, one before and one following the
2 19 registration number on the plate, which registration number
2 20 shall be the officer's badge number. Registration plates
2 21 issued for county sheriff's patrol vehicles shall display
2 22 one seven-pointed gold star followed by the letter "S" and
2 23 the call number of the vehicle. However, the director of
2 24 the department of administrative services or the director of
2 25 transportation may order the issuance of a regular registration
2 26 ~~plates~~ plate for any exempted vehicle used by peace officers
2 27 in the enforcement of the law, persons enforcing chapter 124
2 28 and other laws relating to controlled substances, persons in
2 29 the department of justice, the alcoholic beverages division
2 30 of the department of commerce, disease investigators of the
2 31 Iowa department of public health, the department of inspections
2 32 and appeals, and the department of revenue, who are regularly
2 33 assigned to conduct investigations which cannot reasonably
2 34 be conducted with a vehicle displaying an "official" state
2 35 registration ~~plates~~ plate, persons in the Iowa lottery



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3 1 authority whose regularly assigned duties relating to security
3 2 or the carrying of lottery tickets cannot reasonably be
3 3 conducted with a vehicle displaying an "official" registration
3 4 ~~plates~~ plate, persons in the department of economic development
3 5 who are regularly assigned duties relating to existing
3 6 industry expansion or business attraction, and mental health
3 7 professionals or health care professionals who provide off=site
3 8 or in=home medical or mental health services to clients of
3 9 publicly funded programs. For purposes of sale of exempted
3 10 vehicles, the exempted governmental body, upon the sale of
3 11 the exempted vehicle, may issue for in=transit purposes a
3 12 pasteboard card bearing the words "Vehicle in Transit", the
3 13 name of the official body from which the vehicle was purchased,
3 14 together with the date of the purchase plainly marked in at
3 15 least one=in=ch letters, and other information required by the
3 16 department. The in=transit card is valid for use only within
3 17 forty=eight hours after the purchase date as indicated on the
3 18 bill of sale which shall be carried by the driver.

3 19 Sec. 4. Section 321.20B, subsection 4, paragraph a,
3 20 subparagraph (3), unnumbered paragraph 1, Code 2011, is amended
3 21 to read as follows:

3 22 Issue a citation and remove the motor vehicle's license
3 23 ~~plates~~ plate and registration receipt.

3 24 Sec. 5. Section 321.20B, subsection 4, paragraph a,
3 25 subparagraph (3), subparagraph division (a), Code 2011, is
3 26 amended to read as follows:

3 27 (a) Upon removing the license ~~plates~~ plate and registration
3 28 receipt, the peace officer shall deliver the ~~plates~~ plate for
3 29 destruction, as appropriate, and forward the registration
3 30 receipt and evidence of the violation, as determined by the
3 31 department, to the county treasurer of the county in which the
3 32 motor vehicle is registered.

3 33 Sec. 6. Section 321.20B, subsection 4, paragraph a,
3 34 subparagraph (4), subparagraph division (a), Code 2011, is
3 35 amended to read as follows:



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4 1 (a) Issue a citation, remove the motor vehicle's license
4 2 ~~plates~~ plate and registration receipt, and impound the motor
4 3 vehicle. The peace officer shall deliver the ~~plates~~ plate
4 4 for destruction, as appropriate, and forward the registration
4 5 receipt and evidence of the violation, as determined by the
4 6 department, to the county treasurer of the county in which the
4 7 motor vehicle is registered.

4 8 Sec. 7. Section 321.20B, subsection 4, paragraph b,
4 9 subparagraph (1), subparagraph divisions (a) and (b), Code
4 10 2011, are amended to read as follows:

4 11 (a) If the person was cited pursuant to paragraph "a",
4 12 subparagraph (3), the owner or driver shall provide a copy of
4 13 the receipt to the county treasurer of the county in which the
4 14 motor vehicle is registered and the owner shall be assessed a
4 15 fifteen dollar administrative fee by the county treasurer who
4 16 shall issue a new license ~~plates~~ plate and registration to the
4 17 person after payment of the fee.

4 18 (b) If the person was cited pursuant to paragraph "a",
4 19 subparagraph (4), the owner or driver, after the owner
4 20 provides proof of financial liability coverage to the clerk
4 21 of court, may claim the motor vehicle after such person pays
4 22 any applicable fine and the costs of towing and storage for
4 23 the motor vehicle, and the owner or driver provides a copy
4 24 of the receipt and the owner pays to the county treasurer of
4 25 the county in which the motor vehicle is registered a fifteen
4 26 dollar administrative fee, and the county treasurer shall issue
4 27 a new license ~~plates~~ plate and registration to the person.

4 28 Sec. 8. Section 321.20B, subsection 4, paragraph b,
4 29 subparagraph (2), subparagraph divisions (a) and (b), Code
4 30 2011, are amended to read as follows:

4 31 (a) Sign an admission of violation on the citation and
4 32 remit to the clerk of court a scheduled fine as provided in
4 33 section 805.8A, subsection 14, paragraph "f", for a violation of
4 34 subsection 1. Upon payment of the fine to the clerk of court of
4 35 the county where the citation was issued, payment of a fifteen



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5 1 dollar administrative fee to the county treasurer of the
5 2 county in which the motor vehicle is registered, and providing
5 3 proof of payment of any applicable fine and proof of financial
5 4 liability coverages to the county treasurer of the county in
5 5 which the motor vehicle is registered, the treasurer shall
5 6 issue a new license ~~plates~~ plate and registration to the owner.

5 7 (b) Request an appearance before the court on the matter.
5 8 If the matter goes before the court, and the owner or driver
5 9 is found guilty of a violation of subsection 1, the court
5 10 may impose a fine as provided in section 805.8A, subsection
5 11 14, paragraph "f", for a violation of subsection 1, or the
5 12 court may order the person to perform unpaid community
5 13 service instead of the fine. Upon the payment of the fine
5 14 or the entry of the order for unpaid community service, the
5 15 person shall provide proof of payment or entry of such order
5 16 and the county treasurer of the county in which the motor
5 17 vehicle is registered shall issue a new license ~~plates~~ plate
5 18 and registration to the owner upon the owner providing proof
5 19 of financial liability coverage and paying a fifteen dollar
5 20 administrative fee to the county treasurer.

5 21 Sec. 9. Section 321.22, subsection 1, Code 2011, is amended
5 22 to read as follows:

5 23 1. An urban transit company or system having a franchise
5 24 to operate in any city and any regional transit system may
5 25 make application to the department, upon forms furnished by
5 26 the department, for a certificate containing a distinguishing
5 27 number and for one or more ~~pairs of~~ registration plates to be
5 28 attached to the ~~front and~~ rear of buses owned or operated by
5 29 the transit company or system.

5 30 Sec. 10. Section 321.23, subsection 3, Code 2011, is amended
5 31 to read as follows:

5 32 3. In the event an applicant for registration of a foreign
5 33 vehicle for which a certificate of title has been issued is
5 34 able to furnish evidence of being the registered owner of the
5 35 vehicle to the county treasurer of the owner's residence,



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6 1 although unable to surrender such certificate of title,
6 2 the county treasurer may issue a registration receipt and
6 3 ~~plates~~ plate upon receipt of the required annual registration
6 4 fee and the fee for new registration but shall not issue a
6 5 certificate of title ~~thereto~~ for the vehicle. Upon surrender
6 6 of the certificate of title from the foreign state, the county
6 7 treasurer shall issue a certificate of title to the owner, of
6 8 ~~the vehicle or other person entitled thereto, of such vehicle~~
~~6 9 to the certificate of title as provided in this chapter. The~~
6 10 owner of a vehicle registered under this subsection shall not
6 11 be required to obtain a certificate of title in this state and
6 12 may transfer ownership of the vehicle to a motor vehicle dealer
6 13 licensed under chapter 322 if, at the time of the transfer,
6 14 the certificate of title is held by a secured party and the
6 15 dealer has forwarded to the secured party the sum necessary to
6 16 discharge the security interest pursuant to section 321.48,
6 17 subsection 1.
6 18 Sec. 11. Section 321.25, unnumbered paragraph 1, Code 2011,
6 19 is amended to read as follows:
6 20 A vehicle may be operated upon the highways of this state
6 21 without a registration ~~plates~~ plate for a period of forty=five
6 22 days after the date of delivery of the vehicle to the purchaser
6 23 from a dealer if a card bearing the words "registration applied
6 24 for" is attached on the rear of the vehicle. The card shall
6 25 have plainly stamped or stenciled the registration number of
6 26 the dealer from whom the vehicle was purchased and the date
6 27 of delivery of the vehicle. In addition, a dealer licensed
6 28 to sell new motor vehicles may attach the card to a new motor
6 29 vehicle delivered by the dealer to the purchaser even if the
6 30 vehicle was purchased from an out=of=state dealer and the card
6 31 shall bear the registration number of the dealer that delivered
6 32 the vehicle. A dealer shall not issue a card to a person known
6 33 to the dealer to be in possession of a registration ~~plates~~
~~6 34 plate~~ which may be attached to the vehicle. A dealer shall
6 35 not issue a card unless an application for registration and



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7 1 certificate of title has been made by the purchaser and a
7 2 receipt issued to the purchaser of the vehicle showing the fee
7 3 paid by the person making the application. Dealers' records
7 4 shall indicate the agency to which the fee is sent and the date
7 5 the fee is sent. The dealer shall forward the application by
7 6 the purchaser to the county treasurer or state office within
7 7 thirty calendar days from the date of delivery of the vehicle.
7 8 However, if the vehicle is subject to a security interest
7 9 and has been offered for sale pursuant to section 321.48,
7 10 subsection 1, the dealer shall forward the application by the
7 11 purchaser to the county treasurer or state office within thirty
7 12 calendar days from the date of the delivery of the vehicle to
7 13 the purchaser.
7 14 Sec. 12. Section 321.26, subsection 2, Code 2011, is amended
7 15 to read as follows:
7 16 2. The county treasurer may adjust the renewal or expiration
7 17 date of vehicles when deemed necessary to equalize the number
7 18 of vehicles registered in each twelve-month period or for the
7 19 administrative efficiency of the county treasurer's office.
7 20 The adjustment shall be accomplished by delivery of a written
7 21 notice to the vehicle owner of the adjustment and allowance of
7 22 a credit for the remaining months of the unused portion of the
7 23 annual registration fee, rounded to the nearest whole dollar,
7 24 which amount shall be deducted from the annual registration
7 25 fee due at the time of registration. Upon receipt of the
7 26 notification the owner shall, within thirty days, surrender the
7 27 registration card and registration ~~plates~~ plate to the county
7 28 treasurer of the county where the vehicle is registered, except
7 29 that the registration ~~plates~~ plate shall not be surrendered if
7 30 validation stickers or other emblems are used to designate the
7 31 month and year of expiration of registration. Upon payment
7 32 of the annual registration fee, less the credit allowed for
7 33 the remaining months of the unused portion of the annual
7 34 registration fee, the county treasurer shall issue a new
7 35 registration card and registration ~~plates~~ plate, validation



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8 1 ~~stickers~~ sticker, or ~~emblems~~ emblem which ~~indicate~~ indicates
8 2 the month and year of expiration of registration.

8 3 Sec. 13. Section 321.34, Code 2011, is amended to read as
8 4 follows:

8 5 321.34 ~~Plates~~ Plate or validation sticker furnished ====
8 6 retained by owner ==== special plates.

8 7 1. ~~Plates~~ Plate issued. The county treasurer upon receiving
8 8 application, accompanied by proper fee, for registration of a
8 9 vehicle shall issue to the owner one registration plate ~~for~~
~~8 10 a motorcycle, motorized bicycle, truck tractor, trailer, or~~
~~8 11 semitrailer and two registration plates for every other motor~~
~~8 12 vehicle.~~ The registration ~~plates~~ plate, including a special
8 13 registration ~~plates~~ plate, shall be assigned to the owner of a
8 14 vehicle. When the owner of a registered vehicle transfers or
8 15 assigns ownership of the vehicle to another person, the owner
8 16 shall remove the registration ~~plates~~ plate from the vehicle.
8 17 The owner shall forward the ~~plates~~ plate to the county
8 18 treasurer where the vehicle is registered or the owner may have
8 19 the ~~plates~~ plate assigned to another vehicle within thirty
8 20 days after transfer, upon payment of the fees required by law.
8 21 The owner shall immediately affix a registration ~~plates~~ plate
8 22 retained by the owner to another vehicle owned or acquired by
8 23 the owner, providing the owner complies with section 321.46.
8 24 The department shall adopt rules providing for the assignment
8 25 of a registration ~~plates~~ plate to the transferee of a vehicle
8 26 for which a credit is allowed under section 321.46, subsection
8 27 6.

8 28 2. Validation stickers.

8 29 a. In lieu of issuing a new registration ~~plates~~ plate
8 30 each registration year for a vehicle renewing registration,
8 31 the department may reassign the registration ~~plates~~ plate
8 32 previously issued to the vehicle and may adopt and prescribe
8 33 an annual validation sticker indicating payment of annual
8 34 registration fees. ~~The department shall issue one validation~~
~~8 35 sticker for each set of registration plates.~~ The sticker shall



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9 1 specify the month and year of expiration of the registration
9 2 ~~plates plate~~. The sticker shall be displayed only on the rear
9 3 ~~registration plate, except that the sticker shall be displayed~~
9 4 ~~on the front registration plate of a truck tractor.~~
9 5 b. The state department of transportation shall adopt rules
9 6 to provide for the placement of the motor vehicle registration
9 7 validation sticker.
9 8 3. Radio operators ~~plates plate~~. The owner of an
9 9 automobile, motorcycle, trailer, or motor truck who holds an
9 10 amateur radio license issued by the federal communications
9 11 commission may, upon written application to the county
9 12 treasurer accompanied by a fee of five dollars, order a
9 13 special registration ~~plates plate~~ bearing the call letters
9 14 authorized the radio station covered by the person's amateur
9 15 radio license. When received by the county treasurer, ~~such~~
9 16 ~~the special registration plates plate~~ shall be issued to
9 17 the applicant in exchange for the registration ~~plates plate~~
9 18 previously issued to the person. Not more than one ~~set~~
9 19 ~~of special registration plates plate~~ may be issued to an
9 20 applicant. ~~Said~~ The fee shall be in addition to and not in
9 21 lieu of the fee for a regular registration ~~plates plate~~.
9 22 ~~Special A special~~ registration ~~plates plate~~ must be surrendered
9 23 upon expiration of the owner's amateur radio license and
9 24 the owner shall ~~thereupon~~ then be entitled to the owner's
9 25 regular registration ~~plates plate~~. The county treasurer shall
9 26 validate a special ~~plates plate~~ in the same manner as a regular
9 27 registration ~~plates plate~~, upon payment of five dollars in
9 28 addition to the regular annual registration fee.
9 29 4. Multiyear ~~plates plate~~. In lieu of issuing an annual
9 30 registration ~~plates plate~~ for trailers, semitrailers, motor
9 31 trucks, and truck tractors, the department may issue a
9 32 multiyear registration plate for a three-year period or a
9 33 permanent registration plate for trailers and semitrailers
9 34 licensed under chapter 326, and a permanent registration
9 35 plate for motor trucks and truck tractors licensed under



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10 1 chapter 326, upon payment of the appropriate registration fee.
10 2 Payment of fees for trailers and semitrailers for a permanent
10 3 registration plate shall, at the option of the registrant,
10 4 be made at five=year intervals or on an annual basis. Fees
10 5 from three=year and five=year payments shall not be reduced or
10 6 prorated. Payment of fees for motor trucks and truck tractors
10 7 shall be made on an annual basis.
10 8 5. Personalized registration ~~plates~~ plate.
10 9 a. Upon application and the payment of a fee of twenty=five
10 10 dollars, the director may issue to the owner of a motor
10 11 vehicle registered in this state or a trailer or travel trailer
10 12 registered in this state, a personalized registration ~~plates~~
~~10 13~~ plate marked with up to seven initials, letters, or combination
10 14 of numerals and letters requested by the owner. However, a
10 15 personalized registration ~~plates~~ plate for motorcycles and
10 16 motorized bicycles shall be marked with no more than six
10 17 initials, letters, or combinations of numerals and letters.
10 18 Upon receipt of the personalized registration ~~plates~~ plate,
10 19 the applicant shall surrender the regular registration ~~plates~~
~~10 20~~ plate to the county treasurer. The fee for issuance of the
10 21 personalized registration ~~plates~~ plate shall be in addition to
10 22 the regular annual registration fee.
10 23 b. The county treasurer shall validate a personalized
10 24 registration ~~plates~~ plate in the same manner as a regular
10 25 registration ~~plates are~~ plate is validated under this section
10 26 at an annual fee of five dollars in addition to the regular
10 27 annual registration fee. A person renewing a personalized
10 28 registration plate within one month following the time
10 29 requirements under section 321.40 may renew the personalized
10 30 plate without paying the additional registration fee under
10 31 paragraph "a" but shall pay the five=dollar fee in addition to
10 32 the regular annual registration fee and any penalties subject
10 33 to regular registration plate holders for late renewal.
10 34 c. The fees collected by the director under this subsection
10 35 shall be paid to the treasurer of state and credited by the



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11 1 treasurer of state as provided in section 321.145.
11 2 6. Sample vehicle registration ~~plates~~ plate. ~~Vehicle A~~
11 3 ~~vehicle~~ registration ~~plates~~ plate displaying the general design
11 4 of a regular registration ~~plates~~ plate, with the word "sample"
11 5 displayed on the plate, may be furnished to any person upon
11 6 payment of a fee of three dollars, except that such plates may
11 7 be furnished to governmental agencies without cost. ~~Sample A~~
11 8 ~~sample~~ registration ~~plates~~ plate shall not be attached to a
11 9 vehicle moved on the highways of this state.
11 10 7. Collegiate ~~plates~~ plate.
11 11 a. Upon application and payment of the proper fees, the
11 12 director may issue to the owner of a motor vehicle subject
11 13 to registration under section 321.109, subsection 1, motor
11 14 truck, motor home, multipurpose vehicle, trailer over two
11 15 thousand pounds, or travel trailer registered in this state, a
11 16 collegiate registration ~~plates~~ plate created pursuant to this
11 17 subsection. Upon receipt of the collegiate registration ~~plates~~
11 18 ~~plate~~, the applicant shall surrender the regular registration
11 19 ~~plates~~ plate to the county treasurer.
11 20 b. ~~Collegiate A~~ collegiate registration ~~plates~~ plate shall
11 21 be designed for each of the three state universities. The
11 22 collegiate registration plates shall be designated as follows:
11 23 (1) The letters "ISU" followed by a four=digit number all
11 24 in cardinal on a gold background for Iowa state university of
11 25 science and technology.
11 26 (2) The letters "UNI" followed by a four=digit number all
11 27 in purple on a gold background for the university of northern
11 28 Iowa.
11 29 (3) The letters "UI" followed by a four=digit number all in
11 30 black on a gold background for the state university of Iowa.
11 31 (4) In lieu of the letter=number designation provided under
11 32 subparagraphs (1) through (3), the collegiate registration
11 33 plates may be designated in the manner provided for
11 34 personalized registration plates under subsection 5, paragraph
11 35 "a", in the colors designated for the respective universities



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12 1 under subparagraphs (1) through (3).

12 2 c. (1) The fees for a collegiate registration plate are as
12 3 follows:

12 4 (a) A registration fee of twenty=five dollars.

12 5 (b) A special collegiate registration fee of twenty=five
12 6 dollars.

12 7 (2) These fees are in addition to the regular annual
12 8 registration fee. The fees collected by the director under
12 9 this subsection shall be paid monthly to the treasurer of
12 10 state and deposited in the road use tax fund. The treasurer
12 11 of state shall credit monthly from the statutory allocations
12 12 fund created under section 321.145, subsection 2, to Iowa
12 13 state university of science and technology, the university of
12 14 northern Iowa, and the state university of Iowa respectively,
12 15 the amount of the special collegiate registration fees
12 16 collected in the previous month for collegiate registration
12 17 plates designed for the university. The moneys credited are
12 18 appropriated to the respective universities to be used for
12 19 scholarships for students attending the universities.

12 20 d. The county treasurer shall validate a collegiate
12 21 registration ~~plates~~ plate in the same manner as a regular
12 22 registration ~~plates are~~ plate is validated under this section
12 23 at an annual fee of five dollars in addition to the regular
12 24 annual registration fee.

12 25 e. A collegiate registration plate shall not be issued if
12 26 its combination of alphanumeric characters are identical to
12 27 those contained on a current personalized registration plate
12 28 issued under subsection 5. However, the owner of a motor
12 29 vehicle who has a personalized registration plate issued for
12 30 the motor vehicle may, after proper application and payment
12 31 of fees, be issued a collegiate registration plate containing
12 32 the same alphanumeric characters as those on the personalized
12 33 plate. Upon receipt of the collegiate registration ~~plates~~
~~12 34~~ plate, the owner shall surrender the personalized registration
12 35 ~~plates~~ plate to the county treasurer.



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13 1 7A. Collegiate plates ==== Private four=year colleges and
13 2 universities.
13 3 a. Upon application by a private four=year college or
13 4 university located in this state and payment of the initial
13 5 set=up costs for establishing the collegiate plate, the
13 6 department, in consultation with the college or university, may
13 7 design a special collegiate registration plate displaying the
13 8 colors associated with the college or university.
13 9 b. Upon application and payment of the proper fees, the
13 10 director may issue to the owner of a motor vehicle subject
13 11 to registration under section 321.109, subsection 1, motor
13 12 truck, motor home, multipurpose vehicle, trailer over two
13 13 thousand pounds, or travel trailer registered in this state,
13 14 a collegiate registration ~~plates~~ plate created pursuant to
13 15 this subsection. The fee for the issuance of a collegiate
13 16 registration ~~plates~~ plate is twenty=five dollars, which fee
13 17 is in addition to the regular annual registration fee for the
13 18 vehicle. An applicant may obtain a personalized collegiate
13 19 registration plate upon payment of the additional fee for a
13 20 personalized plate as provided in subsection 5 in addition to
13 21 the collegiate plate fee and the regular registration fee.
13 22 The county treasurer shall validate a collegiate registration
13 23 ~~plates~~ plate issued under this subsection in the same manner
13 24 as a regular registration ~~plates~~ plate, upon payment of five
13 25 dollars in addition to the regular annual registration fee.
13 26 Upon receipt of the collegiate registration ~~plates~~ plate, the
13 27 applicant shall surrender the regular registration ~~plates~~ plate
13 28 to the county treasurer.
13 29 c. A personalized collegiate registration plate shall
13 30 not be issued if its combination of alphanumeric characters
13 31 are identical to those contained on a current personalized
13 32 registration plate issued under subsection 5. However, the
13 33 owner of a motor vehicle who has a personalized registration
13 34 plate issued for the motor vehicle may, after proper
13 35 application and payment of fees, be issued a collegiate



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14 1 registration plate containing the same alphanumeric characters
14 2 as those on the personalized plate. Upon receipt of the
14 3 collegiate registration ~~plates~~ plate, the owner shall surrender
14 4 the personalized registration ~~plates~~ plate to the county
14 5 treasurer.
14 6 8. Medal of honor ~~plates~~ plate.
14 7 a. The owner of a motor vehicle subject to registration
14 8 under section 321.109, subsection 1, motorcycle, trailer,
14 9 or motor truck who has been awarded the medal of honor may,
14 10 upon written application to the department, order a special
14 11 registration ~~plates~~ plate which shall be red, white, and blue
14 12 in color and shall bear an emblem of the medal of honor and
14 13 an identifying number. Each applicant applying for a special
14 14 registration ~~plates~~ plate under this subsection may order only
14 15 one ~~set of~~ registration ~~plates~~ plate under this subsection.
14 16 The application is subject to approval by the department and
14 17 the special registration ~~plates~~ plate shall be issued at no
14 18 charge to the applicant in exchange for the registration
14 19 ~~plates~~ plate previously issued to the person. A person who
14 20 is issued a special ~~plates~~ plate under this subsection is
14 21 exempt from payment of any annual registration fee for the
14 22 motor vehicle bearing the special ~~plates~~ plate. The department
14 23 shall validate the special ~~plates~~ plate in the same manner as a
14 24 regular registration ~~plates are~~ plate is validated under this
14 25 section. The department shall not issue a special registration
14 26 ~~plates~~ plate until service organizations in the state have
14 27 furnished the department either the special dies or the cost of
14 28 the special dies necessary for the manufacture of the special
14 29 registration plate.
14 30 b. The surviving spouse of a person who was issued a special
14 31 ~~plates~~ plate under this subsection may continue to use the
14 32 special ~~plates~~ plate subject to registration of the special
14 33 ~~plates~~ plate in the surviving spouse's name. If the surviving
14 34 spouse remarries, the surviving spouse shall return the special
14 35 ~~plates~~ plate to the department and the department shall issue a



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15 1 regular registration ~~plates~~ plate to the surviving spouse.
15 2 8A. Ex=prisoner of war special ~~plates~~ plate.
15 3 a. The owner of a motor vehicle subject to registration
15 4 under section 321.109, subsection 1, motorcycle, trailer, or
15 5 motor truck who was a prisoner of war during a time of military
15 6 conflict may, upon written application to the department,
15 7 order only one ~~set of~~ special registration ~~plates~~ plate with
15 8 an ex=prisoner of war processed emblem. The emblem shall be
15 9 designed by the department in cooperation with the adjutant
15 10 general and shall signify that the owner was a prisoner of war
15 11 as described in this subsection. The application is subject to
15 12 approval by the department, in consultation with the adjutant
15 13 general. The special ~~plates~~ plate shall be issued at no charge
15 14 and ~~are~~ is subject to an annual registration fee of fifteen
15 15 dollars. The county treasurer shall validate the special
15 16 ~~plates~~ plate in the same manner as a regular registration
15 17 ~~plates are~~ plate is validated under this section.
15 18 b. The surviving spouse of a person who was issued a special
15 19 ~~plates~~ plate under this subsection may continue to use or apply
15 20 for and use the special ~~plates~~ plate subject to registration
15 21 of the special ~~plates~~ plate in the surviving spouse's name and
15 22 upon payment of the annual registration fee. If the surviving
15 23 spouse remarries, the surviving spouse shall return the special
15 24 ~~plates~~ plate to the department and the department shall issue a
15 25 regular registration ~~plates~~ plate to the surviving spouse.
15 26 9. Leased vehicles. ~~Registration plates~~ A registration
15 27 ~~plate~~ plate under this section, including a disabled veteran ~~plates~~
15 28 ~~plate~~ specified in section 321.105, may be issued to the lessee
15 29 of a motor vehicle if the lessee provides evidence of a lease
15 30 for a period of more than sixty days and if the lessee complies
15 31 with the requirements, under this section, for issuance of the
15 32 specific registration ~~plates~~ plate.
15 33 10. Fire fighter ~~plates~~ plate.
15 34 a. An owner referred to in subsection 12 who is a current
15 35 or retired member of a paid or volunteer fire department may,



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16 1 upon written application to the department, order a special
16 2 registration ~~plates~~ plate, designed by the department in
16 3 cooperation with representatives designated by the Iowa fire
16 4 fighters' associations, which ~~signify~~ signifies that the
16 5 applicant is a current or retired member of a paid or volunteer
16 6 fire department.

16 7 b. The application shall be approved by the department in
16 8 consultation with representatives designated by the Iowa fire
16 9 fighters' associations, and the special registration ~~plates~~
~~16 10~~ plate shall be issued to the applicant in exchange for the
16 11 registration ~~plates~~ plate previously issued to the person. The
16 12 fee for the special ~~plates~~ plate is twenty-five dollars which
16 13 shall be paid in addition to the regular annual registration
16 14 fee. The department shall validate the special ~~plates~~ plate in
16 15 the same manner as a regular registration ~~plates are~~ plate is
16 16 validated under this section at the regular annual registration
16 17 fee.

16 18 c. The special fees collected by the director under this
16 19 subsection shall be paid monthly to the treasurer of state and
16 20 deposited in the road use tax fund. The treasurer of state
16 21 shall transfer monthly from the statutory allocations fund
16 22 created under section 321.145, subsection 2, to the Paul Ryan
16 23 memorial fire fighter safety training fund created pursuant to
16 24 section 100B.12 the amount of the special fees collected in the
16 25 previous month for the fire fighter plates.

16 26 d. For purposes of this subsection, a person is considered
16 27 to be retired if the person is recognized by the chief of the
16 28 fire department where the individual served, and on record,
16 29 as officially retired from the fire department. ~~Special A~~
~~16 30~~ special registration ~~plates~~ plate with a fire fighter emblem
16 31 shall be surrendered, as provided in subsection 12, in exchange
16 32 for a regular registration ~~plates~~ plate upon termination of
16 33 the motor vehicle owner's membership in the paid or volunteer
16 34 fire department, unless the person is a retired member in good
16 35 standing.



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17 1 10A. Emergency medical services ~~plates~~ plate.
17 2 a. The owner of a motor vehicle referred to in subsection
17 3 12 who is a current member of a paid or volunteer emergency
17 4 medical services agency may, upon written application to
17 5 the department, order a special registration ~~plates~~ plate,
17 6 designed by the department in cooperation with representatives
17 7 designated by the Iowa emergency medical services association,
17 8 which ~~plates signify~~ plate signifies that the applicant is
17 9 a current member of a paid or volunteer emergency medical
17 10 services agency. The application shall be approved by the
17 11 department, in consultation with representatives designated
17 12 by the Iowa emergency medical services association, and
17 13 the special registration ~~plates~~ plate shall be issued to
17 14 the applicant in exchange for the registration ~~plates~~ plate
17 15 previously issued to the person. The fee for the special
17 16 ~~plates~~ plate is twenty-five dollars which is in addition to the
17 17 regular annual registration fee. The department shall validate
17 18 the special ~~plates~~ plate in the same manner as a regular
17 19 registration ~~plates are~~ plate is validated under this section
17 20 at the regular annual registration fee.
17 21 b. The special fees collected by the director under this
17 22 subsection shall be paid monthly to the treasurer of state and
17 23 deposited in the road use tax fund. The treasurer of state
17 24 shall transfer monthly from the statutory allocations fund
17 25 created under section 321.145, subsection 2, to the emergency
17 26 medical services fund created in section 135.25 the amount of
17 27 the special fees collected in the previous month for issuance
17 28 of emergency medical services plates.
17 29 11. Natural resources ~~plates~~ plate.
17 30 a. Upon application and payment of the proper fees, the
17 31 director may issue a natural resources ~~plates~~ plate to the
17 32 owner of a motor vehicle subject to registration under section
17 33 321.109, subsection 1, motor truck, motor home, multipurpose
17 34 vehicle, motorcycle, trailer, or travel trailer.
17 35 b. ~~Natural~~ A natural resources ~~plates~~ plate shall be



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18 1 designed by the department in cooperation with the department
18 2 of natural resources which design shall include on the plate
18 3 the name of the county where the vehicle is registered.
18 4 c. (1) The special natural resources fee for a
18 5 letter=number designated natural resources ~~plates~~ plate
18 6 is forty=five dollars. The fee for a personalized natural
18 7 resources ~~plates~~ plate is forty=five dollars which shall be
18 8 paid in addition to the special natural resources fee of
18 9 forty=five dollars. The fees collected by the director under
18 10 this subsection shall be paid monthly to the treasurer of
18 11 state and deposited in the road use tax fund. The treasurer
18 12 of state shall credit monthly from the statutory allocations
18 13 fund created under section 321.145, subsection 2, to the Iowa
18 14 resources enhancement and protection fund created pursuant to
18 15 section 455A.18, the amount of the special natural resources
18 16 fees collected in the previous month for the natural resources
18 17 plates.
18 18 (2) From the moneys credited to the Iowa resources
18 19 enhancement and protection fund under subparagraph (1), ten
18 20 dollars of the fee collected for each natural resources plate
18 21 issued, and fifteen dollars from each renewal fee, shall be
18 22 allocated to the department of natural resources wildlife
18 23 bureau to be used for nongame wildlife programs.
18 24 d. Upon receipt of the special registration ~~plates~~ plate,
18 25 the applicant shall surrender the current registration ~~plates~~
~~18 26~~ plate to the county treasurer. The county treasurer shall
18 27 validate the special registration ~~plates~~ plate in the same
18 28 manner as a regular registration ~~plates are~~ plate is validated
18 29 under this section. The annual special natural resources fee
18 30 for a letter=number designated ~~plates~~ plate is twenty=five
18 31 dollars which shall be paid in addition to the regular annual
18 32 registration fee. The annual fee for a personalized natural
18 33 resources ~~plates~~ plate is five dollars which shall be paid in
18 34 addition to the annual special natural resources fee and the
18 35 regular annual registration fee. The annual special natural



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19 1 resources fee shall be credited as provided under paragraph "c".

19 2 11A. Love our kids ~~plates~~ plate.

19 3 a. Upon application and payment of the proper fees, the
19 4 director may issue a "love our kids" ~~plates~~ plate to the owner
19 5 of a motor vehicle subject to registration under section
19 6 321.109, subsection 1, motor truck, motor home, multipurpose
19 7 vehicle, motorcycle, trailer, or travel trailer.

19 8 b. ~~Love~~ The love our kids ~~plates~~ plate shall be designed
19 9 by the department in cooperation with the Iowa department of
19 10 public health.

19 11 c. The special fee for a letter=number designated love
19 12 our kids ~~plates~~ plate is thirty=five dollars. The fee for a
19 13 personalized love our kids ~~plates~~ plate is twenty=five dollars,
19 14 which shall be paid in addition to the special love our kids
19 15 fee of thirty=five dollars. The fees collected by the director
19 16 under this subsection shall be paid monthly to the treasurer
19 17 of state and deposited in the road use tax fund. The treasurer
19 18 of state shall transfer monthly from the statutory allocations
19 19 fund created under section 321.145, subsection 2, to the Iowa
19 20 department of public health the amount of the special fees
19 21 collected in the previous month for the love our kids plates.
19 22 Notwithstanding section 8.33, moneys transferred under this
19 23 subsection shall not revert to the general fund of the state.

19 24 d. Upon receipt of the special registration ~~plates~~ plate,
19 25 the applicant shall surrender the current registration ~~plates~~
~~19 26~~ plate to the county treasurer. The county treasurer shall
19 27 validate the special registration ~~plates~~ plate in the same
19 28 manner as a regular registration ~~plates are~~ plate is validated
19 29 under this section. The annual special love our kids fee for
19 30 a letter=number designated ~~plates~~ plate is ten dollars, which
19 31 shall be paid in addition to the regular annual registration
19 32 fee. The annual fee for a personalized love our kids ~~plates~~
~~19 33~~ plate is five dollars, which shall be paid in addition to
19 34 the annual special love our kids fee and the regular annual
19 35 registration fee. The annual love our kids fee shall be



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20 1 credited as provided under paragraph "c".
20 2 11B. Motorcycle rider education ~~plates~~ plate.
20 3 a. Upon application and payment of the proper fees, the
20 4 director may issue a "motorcycle rider education" ~~plates~~
~~20 5~~ plate to the owner of a motor vehicle subject to registration
20 6 under section 321.109, subsection 1, motor truck, motor home,
20 7 multipurpose vehicle, motorcycle, trailer, or travel trailer.
20 8 b. ~~Motorcycle~~ The motorcycle rider education ~~plates~~ plate
20 9 shall be designed by the department.
20 10 c. The special fee for a letter=number designated motorcycle
20 11 rider education ~~plates~~ plate is thirty=five dollars. The fee
20 12 for a personalized motorcycle rider education ~~plates~~ plate is
20 13 twenty=five dollars, which shall be paid in addition to the
20 14 special motorcycle rider education fee of thirty=five dollars.
20 15 The fees collected by the director under this subsection shall
20 16 be paid monthly to the treasurer of state and deposited in
20 17 the road use tax fund. The treasurer of state shall transfer
20 18 monthly from the statutory allocations fund created under
20 19 section 321.145, subsection 2, to the department for use in
20 20 accordance with section 321.179, the amount of the special
20 21 fees collected in the previous month for the motorcycle rider
20 22 education plates.
20 23 d. Upon receipt of the special registration ~~plates~~ plate,
20 24 the applicant shall surrender the current registration ~~plates~~
~~20 25~~ plate to the county treasurer. The county treasurer shall
20 26 validate the special registration ~~plates~~ plate in the same
20 27 manner as a regular registration ~~plates are~~ plate is validated
20 28 under this section. The annual special motorcycle rider
20 29 education fee for a letter=number designated ~~plates~~ plate is
20 30 ten dollars, which shall be paid in addition to the regular
20 31 annual registration fee. The annual fee for a personalized
20 32 motorcycle rider education ~~plates~~ plate is five dollars, which
20 33 shall be paid in addition to the annual special motorcycle
20 34 rider education fee and the regular annual registration fee.
20 35 The annual motorcycle rider education fee shall be credited as



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21 1 provided under paragraph "c".
21 2 12. Special registration plates ==== general provisions.
21 3 a. The owner of a motor vehicle subject to registration
21 4 pursuant to section 321.109, subsection 1, motor truck, motor
21 5 home, multipurpose vehicle, motorcycle, trailer, or travel
21 6 trailer may, upon written application to the department, order
21 7 a special registration ~~plates~~ plate with a distinguishing
21 8 processed emblem as authorized by this section or as approved
21 9 by the department. The fee for the issuance of a special
21 10 registration ~~plates~~ plate is twenty-five dollars for each
21 11 vehicle, unless otherwise provided by this section, which fee
21 12 is in addition to the regular annual registration fee. The
21 13 county treasurer shall validate a special registration ~~plates~~
~~21 14~~ plate with a distinguishing processed emblem in the same manner
21 15 as a regular registration ~~plates~~ plate, upon payment of five
21 16 dollars in addition to the regular annual registration fee.
21 17 b. Upon receipt of a special registration plate with a
21 18 distinguishing processed emblem as authorized by this section
21 19 or as approved by the department, the applicant shall surrender
21 20 the regular registration ~~plates~~ plate to the county treasurer.
21 21 An applicant no longer eligible for a special registration
21 22 plate shall surrender the special vehicle registration ~~plates~~
~~21 23~~ plate to the county treasurer for issuance of a regular
21 24 registration ~~plates~~ plate.
21 25 c. An applicant may, upon payment of the additional fee
21 26 for a personalized plate as provided in subsection 5, obtain
21 27 a personalized special registration plate with a processed
21 28 emblem. Personalized plates authorized by this section with
21 29 ~~the~~ a processed emblem shall be limited to no more than five
21 30 initials, letters, or combinations of numerals and letters.
21 31 d. A special registration plate issued for a motorcycle or
21 32 motorized bicycle under this section shall be designated in the
21 33 manner provided for a personalized registration ~~plates~~ plate
21 34 under subsection 5, paragraph "a".
21 35 12A. Special registration plates ==== armed forces services.



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22 1 a. An owner of a vehicle referred to in subsection 12 who
22 2 applies for any type of special registration ~~plates~~ plate
22 3 associated with service in the United States armed forces shall
22 4 be issued one ~~set of the~~ special registration ~~plates~~ plate at
22 5 no charge, but shall be subject to the annual registration
22 6 fee of fifteen dollars, if the owner is eligible for, but has
22 7 relinquished to the department or the county treasurer or has
22 8 not been issued, an ex-prisoner of war or legion of merit
22 9 special registration ~~plates~~ plate under this section.
22 10 b. An owner of a vehicle referred to in subsection 12 who
22 11 applies for any type of special registration ~~plates~~ plate
22 12 associated with service in the United States armed forces
22 13 shall be issued one ~~set of the~~ special registration ~~plates~~
22 14 plate at no charge and subject to no annual registration fee
22 15 if the owner is eligible for, but has relinquished to the
22 16 department or the county treasurer or has not been issued, a
22 17 medal of honor registration ~~plates~~ plate under subsection 8
22 18 or a disabled veteran registration ~~plates~~ plate under section
22 19 321.105.
22 20 c. The owner shall provide the appropriate information
22 21 regarding the owner's eligibility for any of the special
22 22 registration plates described in paragraph "a" or "b", and
22 23 regarding the owner's eligibility for the special registration
22 24 ~~plates~~ plate for which the owner has applied, as required by
22 25 the department.
22 26 d. The surviving spouse of a person who was issued a
22 27 special ~~plates~~ plate under this subsection may continue to
22 28 use the special ~~plates~~ plate subject to registration of the
22 29 special ~~plates~~ plate in the surviving spouse's name and upon
22 30 payment of the same annual registration fee, if applicable.
22 31 If the surviving spouse remarries, the surviving spouse shall
22 32 return the special ~~plates~~ plate to the department and the
22 33 department shall issue a regular registration ~~plates~~ plate to
22 34 the surviving spouse.
22 35 13. New special registration plates ==== department review.



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23 1 a. Any person may submit a request to the department to
23 2 recommend a new special registration plate with a processed
23 3 emblem. The request shall provide a proposed design for the
23 4 processed emblem, the purpose of the special registration plate
23 5 with the processed emblem, any eligibility requirements for
23 6 purchase or receipt of the special registration plate with the
23 7 processed emblem, and evidence there is sufficient interest
23 8 in the special registration plate with the processed emblem
23 9 to pay implementation costs. The department shall consider
23 10 the request and make a recommendation based upon criteria
23 11 established by the department which shall include consideration
23 12 of the information included in the request, the number of
23 13 special registration plates with processed emblems currently
23 14 authorized, and any other relevant factors.

23 15 b. If a request for a proposed special registration plate
23 16 with a processed emblem meets the criteria established by
23 17 the department, the department shall, in consultation with
23 18 the persons seeking the special registration plate with
23 19 the processed emblem, approve a recommended design for the
23 20 processed emblem, and propose eligibility requirements for the
23 21 special registration plate with the processed emblem.

23 22 c. The department shall adopt rules pursuant to chapter 17A
23 23 regarding the approval and issuance of special registration
23 24 plates.

23 25 d. A state agency may submit a request to the department
23 26 recommending a special registration plate. The alternate fee
23 27 for a letter=number designated ~~plates~~ plate is thirty=five
23 28 dollars with a ~~ten-dollar~~ ten-dollar annual special renewal
23 29 fee. The fee for a personalized ~~plates~~ plate is twenty=five
23 30 dollars which is in addition to the alternative fee of
23 31 thirty=five dollars with an annual personalized plate renewal
23 32 fee of five dollars which is in addition to the special renewal
23 33 fee of ten dollars. The alternate fees are in addition to the
23 34 regular annual registration fee. The alternate fees collected
23 35 under this paragraph shall be paid monthly to the treasurer of



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24 1 state and deposited in the road use tax fund. The treasurer
24 2 of state shall credit monthly from the statutory allocations
24 3 fund created under section 321.145, subsection 2, the amount of
24 4 the alternate fees collected in the previous month to the state
24 5 agency that recommended the special registration plate.
24 6 14. Persons with disabilities special ~~plates~~ plate. An owner
24 7 referred to in subsection 12 or an owner of a trailer used to
24 8 transport a wheelchair who is a person with a disability, or
24 9 who is the parent or guardian of a child who resides with the
24 10 parent or guardian owner and who is a person with a disability,
24 11 as defined in section 321L.1, may, upon written application to
24 12 the department, order a special registration plates plate with
24 13 a persons with disabilities processed emblem designed by the
24 14 department bearing the international symbol of accessibility.
24 15 ~~The~~ A special registration ~~plates~~ plate with a persons with
24 16 disabilities processed emblem shall only be issued if the
24 17 application is accompanied with a statement from a physician
24 18 licensed under chapter 148 or 149, a physician assistant
24 19 licensed under chapter 148C, an advanced registered nurse
24 20 practitioner licensed under chapter 152, or a chiropractor
24 21 licensed under chapter 151, written on the physician's,
24 22 physician assistant's, nurse practitioner's, or chiropractor's
24 23 stationery, stating the nature of the applicant's or the
24 24 applicant's child's disability and such additional information
24 25 as required by rules adopted by the department, including proof
24 26 of residency of a child who is a person with a disability. If
24 27 the application is approved by the department, ~~the~~ a special
24 28 registration ~~plates~~ plate with a persons with disabilities
24 29 processed emblem shall be issued to the applicant. There shall
24 30 be no fee in addition to the regular annual registration fee
24 31 for ~~the~~ a special registration ~~plates~~ plate with a persons with
24 32 disabilities processed emblem. The authorization for a special
24 33 registration ~~plates~~ plate with a persons with disabilities
24 34 processed emblem shall not be renewed ~~without~~ unless the
24 35 applicant ~~furnishing~~ furnishes evidence to the department



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25 1 that the owner of the vehicle or the owner's child is still
25 2 a person with a disability as defined in section 321L.1. An
25 3 owner who has a child who is a person with a disability shall
25 4 provide satisfactory evidence to the department that the child
25 5 with a disability continues to reside with the owner. The
25 6 registration ~~plates~~ plate with a persons with disabilities
25 7 processed emblem shall be surrendered in exchange for a regular
25 8 registration ~~plates~~ plate as provided in subsection 12 when the
25 9 owner of the vehicle or the owner's child no longer qualifies
25 10 as a person with a disability as defined in section 321L.1 or
25 11 when the owner's child who is a person with a disability no
25 12 longer resides with the owner.

25 13 15. Legion of merit special ~~plates~~ plate.

25 14 a. The owner of a motor vehicle subject to registration
25 15 under section 321.109, subsection 1, motorcycle, trailer, or
25 16 motor truck who has been awarded the legion of merit shall be
25 17 issued one ~~set of~~ special registration ~~plates~~ plate with a
25 18 legion of merit processed emblem, upon written application to
25 19 the department and presentation of satisfactory proof of the
25 20 award of the legion of merit as established by the Congress
25 21 of the United States. The emblem shall be designed by the
25 22 department in cooperation with the adjutant general and shall
25 23 signify that the owner was awarded the legion of merit. The
25 24 application is subject to approval by the department, in
25 25 consultation with the adjutant general. The special ~~plates~~
~~25 26~~ plate shall be issued at no charge and ~~are~~ is subject to
25 27 an annual registration fee of fifteen dollars. The county
25 28 treasurer shall validate the special ~~plates~~ plate in the same
25 29 manner as a regular registration ~~plates are~~ plate is validated
25 30 under this section.

25 31 b. The surviving spouse of a person who was issued a special
25 32 ~~plates~~ plate under this subsection may continue to use or apply
25 33 for and use the special ~~plates~~ plate subject to registration
25 34 of the special ~~plates~~ plate in the surviving spouse's name and
25 35 upon payment of the annual registration fee. If the surviving



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26 1 spouse remarries, the surviving spouse shall return the special
26 2 ~~plates~~ plate to the department and the department shall issue a
26 3 regular registration ~~plates~~ plate to the surviving spouse.
26 4 16. National guard special ~~plates~~ plate.
26 5 a. An owner referred to in subsection 12 who is a
26 6 member of the national guard, as defined in chapter 29A,
26 7 may, upon written application to the department, order a
26 8 special registration ~~plates~~ plate with a national guard
26 9 processed emblem with the emblem designed by the department in
26 10 cooperation with the adjutant general which emblem signifies
26 11 that the applicant is a member of the national guard. The
26 12 application shall be approved by the department in consultation
26 13 with the adjutant general. The special plate fees collected by
26 14 the director under subsection 12, paragraphs "a" and "c", from
26 15 the issuance and annual validation of letter=number designated
26 16 and personalized national guard plates shall be paid monthly
26 17 to the treasurer of state and deposited in the road use tax
26 18 fund. The treasurer of state shall transfer monthly from the
26 19 statutory allocations fund created under section 321.145,
26 20 subsection 2, to the veterans license fee fund created in
26 21 section 35A.11 the amount of the special fees collected under
26 22 subsection 12, paragraph "a", in the previous month for national
26 23 guard plates. ~~Special~~ A special registration ~~plates~~ plate
26 24 with a national guard processed emblem shall be surrendered,
26 25 as provided in subsection 12, in exchange for a regular
26 26 registration ~~plates~~ plate upon termination of the owner's
26 27 membership in the active national guard.
26 28 b. The surviving spouse of a person who was issued a special
26 29 ~~plates~~ plate under this subsection may continue to use or apply
26 30 for and use the special ~~plates~~ plate subject to registration
26 31 of the special ~~plates~~ plate in the surviving spouse's name
26 32 and upon payment of the annual five=dollar special plate fee
26 33 and the regular annual registration fee for the vehicle. If
26 34 the surviving spouse remarries, the surviving spouse shall
26 35 return the special ~~plates~~ plate to the department and the



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27 1 department shall issue a regular registration ~~plates~~ plate to
27 2 the surviving spouse.
27 3 17. Pearl Harbor special ~~plates~~ plate.
27 4 a. An owner referred to in subsection 12 who was at Pearl
27 5 Harbor, Hawaii, as a member of the armed services of the United
27 6 States on December 7, 1941, may, upon written application to
27 7 the department, order a special registration ~~plates~~ plate with
27 8 a Pearl Harbor processed emblem. The emblem shall be designed
27 9 by the department in consultation with service organizations.
27 10 The application is subject to approval by the department. The
27 11 special plate fees collected by the director under subsection
27 12 12, paragraphs "a" and "c", from the issuance and annual
27 13 validation of letter=number designated and personalized Pearl
27 14 Harbor plates shall be paid monthly to the treasurer of state
27 15 and deposited in the road use tax fund. The treasurer of state
27 16 shall transfer monthly from the statutory allocations fund
27 17 created under section 321.145, subsection 2, to the veterans
27 18 license fee fund created in section 35A.11 the amount of the
27 19 special fees collected under subsection 12, paragraph "a", in
27 20 the previous month for Pearl Harbor plates.
27 21 b. The surviving spouse of a person who was issued a special
27 22 ~~plates~~ plate under this subsection may continue to use or apply
27 23 for and use the special ~~plates~~ plate subject to registration
27 24 of the special ~~plates~~ plate in the surviving spouse's name
27 25 and upon payment of the annual five=dollar special plate fee
27 26 and the regular annual registration fee for the vehicle. If
27 27 the surviving spouse remarries, the surviving spouse shall
27 28 return the special ~~plates~~ plate to the department and the
27 29 department shall issue a regular registration ~~plates~~ plate to
27 30 the surviving spouse.
27 31 18. Purple heart special ~~plates~~ plate.
27 32 a. An owner referred to in subsection 12 who was awarded a
27 33 purple heart medal by the United States government for wounds
27 34 received in military or naval combat against an armed enemy
27 35 of the United States may, upon written application to the



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28 1 department and presentation of satisfactory proof of the award
28 2 of the purple heart medal, order a special registration ~~plates~~
~~28 3~~ plate with a purple heart processed emblem. The design of
28 4 the emblem shall include a representation of a purple heart
28 5 medal and ribbon. The application is subject to approval by
28 6 the department in consultation with the adjutant general. The
28 7 special plate fees collected by the director under subsection
28 8 12, paragraphs "a" and "c", from the issuance and annual
28 9 validation of letter=number designated and personalized purple
28 10 heart plates shall be paid monthly to the treasurer of state
28 11 and deposited in the road use tax fund. The treasurer of state
28 12 shall transfer monthly from the statutory allocations fund
28 13 created under section 321.145, subsection 2, to the veterans
28 14 license fee fund created in section 35A.11 the amount of the
28 15 special fees collected under subsection 12, paragraph "a", in
28 16 the previous month for purple heart plates.
28 17 b. The surviving spouse of a person who was issued a special
28 18 ~~plates~~ plate under this subsection may continue to use or apply
28 19 for and use the special ~~plates~~ plate subject to registration
28 20 of the special ~~plates~~ plate in the surviving spouse's name
28 21 and upon payment of the annual five=dollar special plate fee
28 22 and the regular annual registration fee for the vehicle. If
28 23 the surviving spouse remarries, the surviving spouse shall
28 24 return the special ~~plates~~ plate to the department and the
28 25 department shall issue a regular registration ~~plates~~ plate to
28 26 the surviving spouse.
28 27 19. United States armed forces retired special ~~plates~~ plate.
28 28 a. An owner referred to in subsection 12 who is a retired
28 29 member of the United States armed forces may, upon written
28 30 application to the department and upon presentation of
28 31 satisfactory proof of membership, order a special registration
28 32 ~~plates~~ plate with a United States armed forces retired
28 33 processed emblem. The emblem shall be designed by the
28 34 department in consultation with service organizations. The
28 35 application is subject to approval by the department. For



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29 1 purposes of this subsection, a person is considered to be
29 2 retired if the person is recognized by the United States armed
29 3 forces as retired from the United States armed forces. The
29 4 special plate fees collected by the director under subsection
29 5 12, paragraphs "a" and "c", from the issuance and annual
29 6 validation of letter=number designated and personalized armed
29 7 forces retired plates shall be paid monthly to the treasurer
29 8 of state and deposited in the road use tax fund. The treasurer
29 9 of state shall transfer monthly from the statutory allocations
29 10 fund created under section 321.145, subsection 2, to the
29 11 veterans license fee fund created in section 35A.11 the amount
29 12 of the special fees collected under subsection 12, paragraph
29 13 "a", in the previous month for armed forces retired plates.
29 14 b. The surviving spouse of a person who was issued a special
29 15 ~~plates~~ plate under this subsection may continue to use or apply
29 16 for and use the special ~~plates~~ plate subject to registration
29 17 of the special ~~plates~~ plate in the surviving spouse's name
29 18 and upon payment of the annual five=dollar special plate fee
29 19 and the regular annual registration fee for the vehicle. If
29 20 the surviving spouse remarries, the surviving spouse shall
29 21 return the special ~~plates~~ plate to the department and the
29 22 department shall issue a regular registration ~~plates~~ plate to
29 23 the surviving spouse.
29 24 20. Silver or bronze star ~~plates~~ plate.
29 25 a. An owner referred to in subsection 12 who was awarded a
29 26 silver or a bronze star by the United States government, may,
29 27 upon written application to the department and presentation of
29 28 satisfactory proof of the award of the silver or bronze star,
29 29 order a special registration ~~plates~~ plate with a silver or
29 30 bronze star processed emblem. The emblem shall be designed by
29 31 the department in consultation with the adjutant general. The
29 32 special plate fees collected by the director under subsection
29 33 12, paragraphs "a" and "c", from the issuance and annual
29 34 validation of letter=number designated and personalized silver
29 35 star and bronze star plates shall be paid monthly to the



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30 1 treasurer of state and deposited in the road use tax fund. The
30 2 treasurer of state shall transfer monthly from the statutory
30 3 allocations fund created under section 321.145, subsection 2,
30 4 to the veterans license fee fund created in section 35A.11
30 5 the amount of the special fees collected under subsection 12,
30 6 paragraph "a", in the previous month for silver star and bronze
30 7 star plates.
30 8 b. The surviving spouse of a person who was issued a special
30 9 ~~plates~~ plate under this subsection may continue to use or apply
30 10 for and use the special ~~plates~~ plate subject to registration
30 11 of the special ~~plates~~ plate in the surviving spouse's name
30 12 and upon payment of the annual five-dollar special plate fee
30 13 and the regular annual registration fee for the vehicle. If
30 14 the surviving spouse remarries, the surviving spouse shall
30 15 return the special ~~plates~~ plate to the department and the
30 16 department shall issue a regular registration ~~plates~~ plate to
30 17 the surviving spouse.
30 18 20A. Distinguished service, navy, or air force cross ~~plates~~
~~30 19~~ plate.
30 20 a. An owner referred to in subsection 12 who was awarded
30 21 a distinguished service cross, a navy cross, or an air force
30 22 cross by the United States government may, upon written
30 23 application to the department and presentation of satisfactory
30 24 proof of the award, order a special registration ~~plates~~ plate
30 25 with a distinguished service cross, navy cross, or air force
30 26 cross processed emblem. The emblem shall be designed by the
30 27 department in consultation with the adjutant general. The
30 28 special plate fees collected by the director under subsection
30 29 12, paragraphs "a" and "c", from the issuance and annual
30 30 validation of letter=number designated and personalized
30 31 distinguished service cross, navy cross, and air force cross
30 32 plates shall be paid monthly to the treasurer of state and
30 33 deposited in the road use tax fund. The treasurer of state
30 34 shall transfer monthly from the statutory allocations fund
30 35 created under section 321.145, subsection 2, to the veterans



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31 1 license fee fund created in section 35A.11 the amount of the
31 2 special fees collected under subsection 12, paragraph "a", in
31 3 the previous month for distinguished service cross, navy cross,
31 4 and air force cross plates.
31 5 b. The surviving spouse of a person who was issued a special
31 6 ~~plates~~ plate under this subsection may continue to use or apply
31 7 for and use the special ~~plates~~ plate subject to registration
31 8 of the special ~~plates~~ plate in the surviving spouse's name
31 9 and upon payment of the annual five-dollar special plate fee
31 10 and the regular annual registration fee for the vehicle. If
31 11 the surviving spouse remarries, the surviving spouse shall
31 12 return the special ~~plates~~ plate to the department and the
31 13 department shall issue a regular registration ~~plates~~ plate to
31 14 the surviving spouse.
31 15 20B. Soldier's, navy and marine corps, or airman's medal
31 16 ~~plates~~ plate.
31 17 a. An owner referred to in subsection 12 who was awarded a
31 18 soldier's medal, a navy and marine corps medal, or an airman's
31 19 medal by the United States government may, upon written
31 20 application to the department and presentation of satisfactory
31 21 proof of the award, order a special registration ~~plates~~
31 22 plate with a soldier's medal, navy and marine corps medal, or
31 23 airman's medal processed emblem. The emblem shall be designed
31 24 by the department in consultation with the adjutant general.
31 25 The special plate fees collected by the director under
31 26 subsection 12, paragraphs "a" and "c", from the issuance and
31 27 annual validation of letter=number designated and personalized
31 28 soldier's medal, navy and marine corps medal, and airman's
31 29 medal plates shall be paid monthly to the treasurer of state
31 30 and deposited in the road use tax fund. The treasurer of state
31 31 shall transfer monthly from the statutory allocations fund
31 32 created under section 321.145, subsection 2, to the veterans
31 33 license fee fund created in section 35A.11 the amount of the
31 34 special fees collected under subsection 12, paragraph "a", in
31 35 the previous month for soldier's medal, navy and marine corps



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32 1 medal, and airman's medal plates.
32 2 b. The surviving spouse of a person who was issued a special
32 3 ~~plates~~ plate under this subsection may continue to use or apply
32 4 for and use the special ~~plates~~ plate subject to registration
32 5 of the special ~~plates~~ plate in the surviving spouse's name
32 6 and upon payment of the annual five-dollar special plate fee
32 7 and the regular annual registration fee for the vehicle. If
32 8 the surviving spouse remarries, the surviving spouse shall
32 9 return the special ~~plates~~ plate to the department and the
32 10 department shall issue a regular registration ~~plates~~ plate to
32 11 the surviving spouse.
32 12 21. Iowa heritage special ~~plates~~ plate.
32 13 a. An owner referred to in subsection 12 may, upon written
32 14 application to the department, order a special registration
32 15 ~~plates~~ plate with an Iowa heritage emblem. The emblem shall
32 16 contain a picture of the American gothic house and the words
32 17 "Iowa Heritage" and shall be designed by the department in
32 18 consultation with the state historical society of Iowa.
32 19 b. The special Iowa heritage fee for a letter=number
32 20 designated ~~plates~~ plate is thirty-five dollars. The
32 21 special fee for a personalized Iowa heritage ~~plates~~ plate is
32 22 twenty-five dollars which shall be paid in addition to the
32 23 special fee of thirty-five dollars. The annual special Iowa
32 24 heritage fee is ten dollars for a letter=number designated
32 25 registration ~~plates~~ plate and is fifteen dollars for a
32 26 personalized registration ~~plates~~ plate which shall be paid in
32 27 addition to the regular annual registration fee.
32 28 c. The special fees collected by the director under this
32 29 subsection shall be paid monthly to the treasurer of state
32 30 and deposited in the road use tax fund. The treasurer of
32 31 state shall credit monthly from the statutory allocations
32 32 fund created under section 321.145, subsection 2, to the Iowa
32 33 heritage fund created under section 303.9A the amount of the
32 34 special fees collected in the previous month for the Iowa
32 35 heritage plates.



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33 1 22. Education ~~plates~~ plate.
33 2 a. An owner referred to in subsection 12, upon written
33 3 application to the department, may order a special registration
33 4 ~~plates~~ plate with an education emblem. The education emblem
33 5 shall be designed by the department in cooperation with the
33 6 department of education.
33 7 b. The special school transportation fee for a letter=number
33 8 designated education ~~plates~~ plate is thirty=five dollars. The
33 9 fee for a personalized education ~~plates~~ plate is twenty=five
33 10 dollars, which shall be paid in addition to the special school
33 11 transportation fee of thirty=five dollars. The annual special
33 12 school transportation fee is ten dollars for a letter=number
33 13 designated registration ~~plates~~ plate and is fifteen dollars for
33 14 a personalized registration ~~plates~~ plate which shall be paid
33 15 in addition to the regular annual registration fee. The fees
33 16 collected by the director under this subsection shall be paid
33 17 monthly to the treasurer of state and deposited in the road
33 18 use tax fund. The treasurer of state shall transfer monthly
33 19 from the statutory allocations fund created under section
33 20 321.145, subsection 2, to the school budget review committee
33 21 in accordance with section 257.31, subsection 17, the amount
33 22 of the special school transportation fees collected in the
33 23 previous month for the education plates.
33 24 23. Breast cancer awareness ~~plates~~ plate.
33 25 a. Upon application and payment of the proper fees, the
33 26 director may issue a breast cancer awareness ~~plates~~ plate to an
33 27 owner of a motor vehicle referred to in subsection 12.
33 28 b. ~~Breast~~ The breast cancer awareness ~~plates~~ plate shall
33 29 contain an image of a pink ribbon and shall be designed by the
33 30 department in consultation with the Susan G. Komen foundation.
33 31 c. The special fee for a letter=number designated breast
33 32 cancer awareness ~~plates~~ plate is thirty=five dollars. The fee
33 33 for a personalized breast cancer awareness ~~plates~~ plate is
33 34 twenty=five dollars, which shall be paid in addition to the
33 35 special breast cancer awareness fee of thirty=five dollars.



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34 1 The fees collected by the director under this subsection shall
34 2 be paid monthly to the treasurer of state and deposited in
34 3 the road use tax fund. The treasurer of state shall transfer
34 4 monthly from the statutory allocations fund created under
34 5 section 321.145, subsection 2, to the Iowa department of public
34 6 health the amount of the special fees collected in the previous
34 7 month for the breast cancer awareness plates and such funds
34 8 are appropriated to the Iowa department of public health. The
34 9 Iowa department of public health shall distribute one hundred
34 10 percent of the funds received monthly in the form of grants to
34 11 support breast cancer screenings for both men and women who
34 12 meet eligibility requirements like those established by the
34 13 Susan G. Komen foundation. In the awarding of grants, the Iowa
34 14 department of public health shall give first consideration
34 15 to affiliates of the Susan G. Komen foundation and similar
34 16 nonprofit organizations providing for breast cancer screenings
34 17 at no cost in Iowa. Notwithstanding section 8.33, moneys
34 18 transferred under this subsection shall not revert to the
34 19 general fund of the state.
34 20 d. Upon receipt of the special registration ~~plates~~ plate,
34 21 the applicant shall surrender the current registration ~~plates~~
~~34 22~~ plate to the county treasurer. The county treasurer shall
34 23 validate the special registration ~~plates~~ plate in the same
34 24 manner as a regular registration ~~plates~~ plate is validated
34 25 under this section. The annual special breast cancer awareness
34 26 fee for a letter=number designated ~~plates~~ plate is ten
34 27 dollars, which shall be paid in addition to the regular annual
34 28 registration fee. The annual special fee for a personalized
34 29 breast cancer awareness ~~plates~~ plate is five dollars, which
34 30 shall be paid in addition to the annual special breast cancer
34 31 awareness fee and the regular annual registration fee. The
34 32 annual special breast cancer awareness fee shall be credited
34 33 and transferred as provided under paragraph "c".
34 34 24. Gold star ~~plates~~ plate. An owner referred to in
34 35 subsection 12 who is the surviving spouse, parent, child,



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35 1 or sibling of a deceased member of the United States armed
35 2 forces who died while serving on active duty during a time
35 3 of military conflict or who died as a result of such service
35 4 may order a special registration plates plate bearing a
35 5 gold star emblem upon written application to the department
35 6 accompanied by satisfactory supporting documentation as
35 7 determined by the department. The gold star emblem shall be
35 8 designed by the department in cooperation with the commission
35 9 of veterans affairs. The special plate fees collected by the
35 10 director under subsection 12, paragraphs "a" and "c", from the
35 11 issuance and annual validation of letter=number designated and
35 12 personalized gold star plates shall be paid monthly to the
35 13 treasurer of state and deposited in the road use tax fund. The
35 14 treasurer of state shall transfer monthly from the statutory
35 15 allocations fund created under section 321.145, subsection 2,
35 16 to the veterans license fee fund created in section 35A.11
35 17 the amount of the special fees collected under subsection 12,
35 18 paragraph "a", in the previous month for gold star plates.

35 19 Sec. 14. Section 321.37, Code 2011, is amended to read as
35 20 follows:

35 21 321.37 Display of ~~plates~~ registration plate.

35 22 1. ~~Registration plates~~ A registration plate issued for a
35 23 motor vehicle other than a ~~motorcycle, motorized bicycle or~~
~~35 24 a truck tractor~~ shall be attached to the rear of the motor
35 25 vehicle, ~~one in the front and the other in the rear. The~~
~~35 26 registration plate issued for a motorcycle or other vehicle~~
~~35 27 required to be registered hereunder shall be attached to the~~
~~35 28 rear of the vehicle.~~ The registration plate issued for a truck
35 29 tractor shall be attached to the front of the truck tractor.
35 30 The special plate issued to a dealer shall be attached on the
35 31 rear of the vehicle when operated on the highways of this
35 32 state.

35 33 2. ~~Registration plates issued for a motor vehicle which~~
~~35 34 is model year 1948 or older, and reconstructed or specially~~
~~35 35 constructed vehicles built to resemble a model year 1948~~



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~~36 1 vehicle or older, other than a truck registered for more than
36 2 five tons, motorcycle, or truck tractor, may display one
36 3 registration plate on the rear of the vehicle if the other
36 4 registration plate issued to the vehicle is carried in the
36 5 vehicle at all times when the vehicle is operated on a public
36 6 highway.~~

36 7 ~~3.~~ 2. It is unlawful for the owner of a vehicle to place
36 8 any frame around or over the registration plate which does not
36 9 permit full view of all numerals and letters printed on the
36 10 registration plate.

36 11 Sec. 15. Section 321.38, Code 2011, is amended to read as
36 12 follows:

36 13 321.38 ~~Plates, method~~ Method of attaching plates ====
36 14 ~~imitations~~ imitation plates prohibited.

36 15 ~~Every~~ A registration plate shall at all times be securely
36 16 fastened in a horizontal position to the vehicle for which
36 17 it is issued so as to prevent the plate from swinging and
36 18 at a height of not less than twelve inches from the ground,
36 19 measuring from the bottom of the plate, in a place and position
36 20 to be clearly visible and shall be maintained free from
36 21 foreign materials and in a condition to be clearly legible. An
36 22 imitation plate or ~~plates~~ a plate imitating or purporting to
36 23 imitate the official registration plate of any other state or
36 24 territory of the United States or of any foreign government
36 25 shall not be fastened to the vehicle.

36 26 Sec. 16. Section 321.41, subsection 3, Code 2011, is amended
36 27 to read as follows:

36 28 3. A person who has registered a vehicle in a county,
36 29 other than the county designated on the vehicle registration
36 30 plate, may apply to the county treasurer where the vehicle is
36 31 registered for a new registration ~~plates~~ plate upon payment
36 32 of a fee of five dollars and the return of the former county
36 33 registration ~~plates~~ plate.

36 34 Sec. 17. Section 321.42, subsection 1, Code 2011, is amended
36 35 to read as follows:



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37 1 1. If a registration card, ~~or plate, or pair of plates~~
37 2 is lost or becomes illegible, the owner shall immediately
37 3 apply for replacement. The fee for a replacement registration
37 4 card is three dollars. The fee for a replacement plate ~~or~~
~~37 5 pair of plates~~ other than a replacement of a special plate
37 6 issued pursuant to section 321.60 is five dollars. The
37 7 fee for replacement of a special plate issued pursuant to
37 8 section 321.60 is forty dollars. When the owner has furnished
37 9 information required by the department and paid the proper fee,
37 10 a duplicate, substitute, or new registration card, ~~or plate,~~
~~37 11 or pair of plates~~ may be issued. The county treasurer or the
37 12 department may waive the fee for a replacement plate if the
37 13 plate is lost during a documented accident.
37 14 Sec. 18. Section 321.46, subsection 7, Code 2011, is amended
37 15 to read as follows:
37 16 7. If a motor vehicle is leased and the lessee purchases
37 17 the vehicle upon termination of the lease, the lessor shall,
37 18 upon claim by the lessee with the lessor within thirty days of
37 19 the purchase, assign the annual registration fee credit and
37 20 registration ~~plates~~ plate for the leased motor vehicle to the
37 21 lessee. Credit shall be applied as provided in subsection 3.
37 22 Sec. 19. Section 321.47, subsection 3, Code 2011, is amended
37 23 to read as follows:
37 24 3. Whenever ownership of a vehicle is transferred under the
37 25 provisions of this section, the registration ~~plates~~ plate shall
37 26 be removed and forwarded to the county treasurer of the county
37 27 where the vehicle is registered or to the department if the
37 28 vehicle is owned by a nonresident. Upon transfer the vehicle
37 29 shall not be operated upon the highways of this state until the
37 30 person entitled to possession of the vehicle applies for and
37 31 obtains registration for the vehicle.
37 32 Sec. 20. Section 321.52, subsection 1, Code 2011, is amended
37 33 to read as follows:
37 34 1. When a vehicle is sold outside the state for purposes
37 35 other than for junk, the owner, dealer, or otherwise, shall



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38 1 detach the registration ~~plates~~ plate and registration card and
38 2 shall indicate on the registration card the name and address
38 3 of the foreign purchaser or transferee over the person's
38 4 signature. Unless the registration ~~plates are~~ plate is
38 5 legally attached to another vehicle, the owner shall surrender
38 6 the registration ~~plates~~ plate and registration card to the
38 7 county treasurer, who shall cancel the records, destroy the
38 8 registration ~~plates~~ plate, and forward the registration card
38 9 to the department. The department shall make a notation on
38 10 the records of the out-of-state sale and, after a reasonable
38 11 period, may destroy the files for that particular vehicle.
38 12 The department is not authorized to make a refund of annual
38 13 registration fees on a vehicle sold out of state unless it
38 14 receives the registration card completed as provided in this
38 15 section.

38 16 Sec. 21. Section 321.52, subsection 3, paragraphs a and b,
38 17 Code 2011, are amended to read as follows:

38 18 a. When a vehicle for which a certificate of title is issued
38 19 is junked or dismantled by the owner, the owner shall detach
38 20 the registration ~~plates~~ plate and surrender the ~~plates~~ plate to
38 21 the county treasurer, unless the ~~plates are~~ plate is properly
38 22 assigned to another vehicle. The owner shall also surrender
38 23 the certificate of title to the county treasurer.

38 24 b. Upon the surrender of the certificate of title and
38 25 application for junking certificate, the county treasurer shall
38 26 issue to the person, without fee, a junking certificate, which
38 27 shall authorize the holder to possess, transport, or transfer
38 28 ownership of the junked vehicle by endorsement of the junking
38 29 certificate. The county treasurer shall hold the surrendered
38 30 certificate of title, registration receipt, application for
38 31 junking certificate, and, if applicable, the registration
38 32 ~~plates~~ plate for a period of fourteen days following the
38 33 issuance of a junking certificate under this subsection.

38 34 Sec. 22. Section 321.57, subsection 3, Code 2011, is amended
38 35 to read as follows:



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39 1 3. Also, a transporter may operate or move any vehicle of
39 2 like type upon the highways solely for the purpose of delivery
39 3 upon likewise displaying ~~thereon~~ on the vehicle a like plates
~~39 4 plate~~ issued to the transporter as provided in these sections.

39 5 Sec. 23. Section 321.89, subsection 1, paragraph a,
39 6 subparagraph (1), Code 2011, is amended to read as follows:

39 7 (1) A vehicle that has been left unattended on public
39 8 property for more than twenty=four hours and lacks a current
39 9 registration ~~plates~~ plate or two or more wheels or other parts
39 10 which renders the vehicle totally inoperable.

39 11 Sec. 24. Section 321.96, Code 2011, is amended to read as
39 12 follows:

39 13 321.96 Prohibited plates ==== certificates.

39 14 1. A person shall not display or cause or permit to be
39 15 displayed, or have in the person's possession, a vehicle
39 16 identification number or component part number except as
39 17 provided in this chapter, or a canceled, revoked, altered,
39 18 or fictitious registration number ~~plates~~ plate, registration
39 19 receipt, or certificate of title, as the same are respectively
39 20 provided for in this chapter.

39 21 2. A person who violates this section commits a simple
39 22 misdemeanor.

39 23 Sec. 25. Section 321.98, Code 2011, is amended to read as
39 24 follows:

39 25 321.98 Operation without registration.

39 26 A person shall not operate and an owner shall not knowingly
39 27 permit to be operated upon any highway any vehicle required to
39 28 be registered and titled ~~hereunder~~ under this chapter unless
39 29 there ~~shall be~~ is attached ~~thereto~~ to the vehicle and displayed
39 30 ~~thereon~~ on the vehicle when and as required by this chapter a
39 31 valid registration card and registration plate ~~or plates~~ issued
39 32 ~~therefor~~ for the vehicle for the current registration year and
39 33 unless a certificate of title has been issued for such vehicle
39 34 except as otherwise expressly permitted in this chapter. Any
39 35 violation of this section is a simple misdemeanor punishable as



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40 1 a scheduled violation under section 805.8A, subsection 2.
40 2 Sec. 26. Section 321.101A, Code 2011, is amended to read as
40 3 follows:
40 4 321.101A Revocation of registration by county treasurer.
40 5 The county treasurer may revoke the registration and
40 6 registration ~~plates~~ plate of a vehicle if the annual
40 7 registration fee or the fee for new registration is paid by
40 8 check, electronic payment, or credit card and the check,
40 9 electronic payment, or credit card is not honored by the
40 10 payer's financial institution or credit card company, upon
40 11 reasonable notice and demand. The owner of the vehicle or
40 12 person in possession of the registration and registration
40 13 ~~plates~~ plate for the vehicle shall immediately return the
40 14 revoked registration and registration ~~plates~~ plate to the
40 15 appropriate county treasurer's office.
40 16 Sec. 27. Section 321.103, Code 2011, is amended to read as
40 17 follows:
40 18 321.103 Owner to return evidences of registration and title.
40 19 ~~Whenever~~ If the department as authorized ~~hereunder~~ under
40 20 this chapter cancels, suspends, or revokes the registration
40 21 of a vehicle, or certificate of title, or registration
40 22 card, or registration plate ~~or plates~~, or any nonresident or
40 23 other permit or the registration of any dealer, the owner or
40 24 person in possession of the same shall immediately return the
40 25 evidences of registration, certificate of title, or ~~plates~~
~~40 26~~ plate so canceled, suspended, or revoked to the department.
40 27 Sec. 28. Section 321.104, subsection 3, Code 2011, is
40 28 amended to read as follows:
40 29 3. To fail to surrender a certificate of title, registration
40 30 card, or registration ~~plates~~ plate upon cancellation,
40 31 suspension, or revocation of the certificate or registration by
40 32 the department and notice as prescribed in this chapter.
40 33 Sec. 29. Section 321.105, subsections 2 and 5, Code 2011,
40 34 are amended to read as follows:
40 35 2. The annual registration fee shall be paid to the county



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41 1 treasurer at the same time the application is made for the
41 2 registration or reregistration of the motor vehicle or trailer.
41 3 An owner may, when applying for registration or reregistration
41 4 of a motor vehicle or trailer, request that the ~~plates~~ plate be
41 5 mailed to the owner's post office address. The owner's request
41 6 shall be accompanied by a mailing fee as determined annually by
41 7 the director in consultation with the Iowa county treasurers
41 8 association.

41 9 5. Seriously disabled veterans who have been provided with
41 10 an automobile or other vehicle by the United States government
41 11 under the provisions of { 1901 = 1903, Tit. 38 of the United
41 12 States Code, 38 U.S.C. { 1901 et seq. (1970), shall be exempt
41 13 from payment of the registration fee provided in this chapter
41 14 for that vehicle, and shall be provided, without fee, with one
41 15 ~~set of regular~~ registration ~~plates~~ plate or one ~~set~~ of any type
41 16 of special registration ~~plates~~ plate associated with service in
41 17 the United States armed forces for which the disabled veteran
41 18 qualifies under section 321.34. The disabled veteran, to be
41 19 able to claim the benefit, must be a resident of the state
41 20 of Iowa. In lieu of the ~~set of~~ regular or special military
41 21 registration ~~plates~~ plate available without fee, the disabled
41 22 veteran may obtain a ~~set of~~ nonmilitary special registration
41 23 ~~plates~~ plate or personalized ~~plates~~ plate issued under section
41 24 321.34 by paying the additional fees associated with ~~those~~
~~41 25 plates that plate.~~

41 26 Sec. 30. Section 321.109, subsection 1, paragraph a, Code
41 27 2011, is amended to read as follows:

41 28 a. The annual fee for all motor vehicles including vehicles
41 29 designated by manufacturers as station wagons, 1993 and
41 30 subsequent model year multipurpose vehicles, and 2010 and
41 31 subsequent model year motor trucks with an unladen weight of
41 32 ten thousand pounds or less, except motor trucks registered
41 33 under section 321.122, business=trade trucks, special trucks,
41 34 motor homes, ambulances, hearses, motorcycles, motorized
41 35 bicycles, and 1992 and older model year multipurpose vehicles,



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42 1 shall be equal to one percent of the value as fixed by the
42 2 department plus forty cents for each one hundred pounds
42 3 or fraction thereof of weight of vehicle, as fixed by the
42 4 department. The weight of a motor vehicle, fixed by the
42 5 department for registration purposes, shall include the
42 6 weight of a battery, heater, bumpers, spare tire, and wheel.
42 7 ~~Provided, however, that for any A nonresident who purchases~~
42 8 ~~a new vehicle purchased in this state by a nonresident for~~
42 9 ~~removal to the nonresident's state of residence the purchaser~~
42 10 ~~may make application to the county treasurer in the county~~
42 11 ~~of purchase for a transit plate for which a fee of ten~~
42 12 ~~dollars shall be paid. And provided, however, that for any A~~
42 13 ~~nonresident who purchases a used vehicle held by a registered~~
42 14 ~~dealer and not currently registered in this state, or for~~
42 15 ~~any a vehicle held by an individual and currently registered~~
42 16 ~~in this state, when purchased in this state by a nonresident~~
42 17 ~~for removal to the nonresident's state of residence, the~~
42 18 ~~purchaser may make application to the county treasurer in~~
42 19 ~~the county of purchase for a transit plate for which a fee~~
42 20 ~~of three dollars shall be paid. The county treasurer shall~~
42 21 ~~issue a nontransferable certificate of registration for~~
42 22 ~~which no a refund shall not be allowed, and the transit~~
42 23 ~~plates plate shall be void thirty days after issuance. Such~~
42 24 ~~purchaser may apply for a certificate of title by surrendering~~
42 25 ~~the manufacturer's or importer's certificate or certificate~~
42 26 ~~of title, duly assigned as provided in this chapter. In~~
42 27 ~~this event, the treasurer in the county of purchase shall,~~
42 28 ~~when satisfied with the genuineness and regularity of the~~
42 29 ~~application, and upon payment of a fee of twenty dollars,~~
42 30 ~~issue a certificate of title in the name and address of the~~
42 31 ~~nonresident purchaser delivering the title to the owner. If~~
42 32 ~~there is a security interest noted on the title, the county~~
42 33 ~~treasurer shall mail to the secured party an acknowledgment of~~
42 34 ~~the notation of the security interest. The county treasurer~~
42 35 ~~shall not release a security interest that has been noted on~~



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43 1 a title issued to a nonresident purchaser as provided in this
43 2 paragraph. The application requirements of section 321.20
43 3 apply to a title issued as provided in this subsection, except
43 4 that a natural person who applies for a certificate of title
43 5 shall provide either the person's social security number,
43 6 passport number, or driver's license number, whether the
43 7 license was issued by this state, another state, or another
43 8 country. The provisions of this subsection relating to
43 9 multipurpose vehicles are effective for all 1993 and subsequent
43 10 model years. The annual registration fee for multipurpose
43 11 vehicles that are 1992 model years and older shall be in
43 12 accordance with section 321.124.

43 13 Sec. 31. Section 321.115, subsection 1, paragraph c, Code
43 14 2011, is amended to read as follows:

43 15 c. The owner of a motor vehicle registered under this
43 16 subsection may display an authentic Iowa registration plate
43 17 or set of plates from the model year of the motor vehicle,
43 18 furnished by the person and approved by the department, in
43 19 lieu of the current and valid Iowa registration ~~plates~~ plate
43 20 issued for the vehicle, provided that the current and valid
43 21 Iowa registration ~~plates~~ plate and the registration card issued
43 22 for the vehicle are simultaneously carried within the vehicle
43 23 and are available for inspection to any peace officer upon the
43 24 officer's request.

43 25 Sec. 32. Section 321.115A, subsection 1, Code 2011, is
43 26 amended to read as follows:

43 27 1. A motor vehicle may be registered as a replica vehicle or
43 28 street rod. The annual registration fee is the fee provided
43 29 for in section 321.109, 321.113, 321.122, or 321.124. The
43 30 owner of a vehicle registered under this section may display
43 31 a registration plate or set of plates from or representing
43 32 the model year of the motor vehicle or the model year of the
43 33 motor vehicle the registered vehicle is designed to resemble,
43 34 furnished by the person and approved by the department, in
43 35 lieu of the current and valid Iowa registration ~~plates~~ plate



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44 1 issued for the vehicle, provided that the current and valid
44 2 Iowa registration ~~plates~~ plate and the registration card issued
44 3 for the vehicle are simultaneously carried within the vehicle
44 4 and are available for inspection to any peace officer upon the
44 5 officer's request.

44 6 Sec. 33. Section 321.120, subsection 3, Code 2011, is
44 7 amended to read as follows:

44 8 3. Upon approval of the application and payment of the
44 9 proper fees, the county treasurer shall issue a registration
44 10 ~~plates~~ plate for the vehicle which ~~distinguish~~ distinguishes
44 11 the vehicle as a business=trade truck.

44 12 Sec. 34. Section 321.126, subsection 1, paragraphs a, c, d,
44 13 and h, Code 2011, are amended to read as follows:

44 14 a. If the vehicle is destroyed by fire or accident, or
44 15 junked and its identity as a vehicle entirely eliminated, the
44 16 owner in whose name the vehicle was registered at the time of
44 17 destruction or dismantling shall return the ~~plates~~ registration
44 18 plate to the department and within thirty days thereafter make
44 19 a statement of such destruction or dismantling and make claim
44 20 for refund. With reference to the destruction or dismantling
44 21 of a vehicle, no refund shall be allowed unless a junking
44 22 certificate has been issued, as provided in section 321.52.

44 23 c. If the vehicle is placed in storage by the owner upon
44 24 the owner's entry into the military service of the United
44 25 States, the owner shall return the ~~plates~~ registration plate
44 26 to the county treasurer or the department and make a statement
44 27 regarding the storage and military service and make claim for
44 28 refund. Whenever the owner of a vehicle so placed in storage
44 29 desires to again register the vehicle, the county treasurer or
44 30 department shall compute and collect the fees for registration
44 31 for the registration year commencing in the month the vehicle
44 32 is removed from storage.

44 33 d. If the vehicle is registered by the county treasurer
44 34 during the current registration year and the owner or lessee
44 35 registers the vehicle for proportional registration under



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45 1 chapter 326, the owner of the registered vehicle shall
45 2 surrender the registration ~~plates~~ plate to the county treasurer
45 3 and may file a claim for refund. In lieu of a refund, a credit
45 4 for the annual registration fees paid to the county treasurer
45 5 may be applied by the department to the owner or lessee's
45 6 proportional registration fees upon the surrender of the county
45 7 ~~plates~~ plate and registration.

45 8 h. If the owner of the vehicle moves out of state, the
45 9 owner may make a claim for a refund by returning the Iowa
45 10 registration ~~plates~~ plate, along with evidence of the vehicle's
45 11 registration in another jurisdiction, to the county treasurer
45 12 of the county in which the vehicle was registered within
45 13 six months of the out=of=state registration. For purposes
45 14 of section 321.127, the unexpired months remaining in the
45 15 registration year shall be calculated on the basis of the
45 16 effective date of the out=of=state registration. However, for
45 17 the purpose of timely issuance of the refund, the claim for a
45 18 refund under this paragraph is considered to be filed on the
45 19 date the registration documents are received by the county
45 20 treasurer.

45 21 Sec. 35. Section 321.134, subsection 1, Code 2011, is
45 22 amended to read as follows:

45 23 1. On the first day of the second month following the
45 24 beginning of each registration year a penalty of five percent
45 25 of the annual registration fee shall be added to the annual
45 26 registration fees not paid by that date and an additional
45 27 penalty of five percent shall be added the first day of each
45 28 succeeding month, until the fee is paid. A penalty shall
45 29 not be less than five dollars. If the owner of a vehicle
45 30 surrenders the registration ~~plates~~ plate for a vehicle ~~prior~~
~~45 31 to the plates becoming~~ before the plate is delinquent, to
45 32 the county treasurer of the county where the vehicle is
45 33 registered, or to the department if the vehicle is registered
45 34 under chapter 326, the owner may register the vehicle any
45 35 time thereafter upon payment of the annual registration fee



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46 1 for the registration year without penalty. The penalty on
46 2 vehicles registered under chapter 326 shall accrue February 1
46 3 of each year. To avoid a penalty or an additional penalty in
46 4 the case of a delinquent registration, if the last calendar
46 5 day of a month falls on Saturday, Sunday, or a holiday, the
46 6 payment deadline is extended to include the first business day
46 7 of the following month. For payments made through a county
46 8 treasurer's authorized website only, if the last day of the
46 9 month falls on a Saturday, Sunday, or a holiday, the electronic
46 10 payment must be initiated by midnight on the first business
46 11 day of the next month. All other electronic payments must be
46 12 initiated by midnight on the last day of the month preceding
46 13 the delinquent date.

46 14 Sec. 36. Section 321.166, subsections 1, 2, 6, 8, and 10,
46 15 Code 2011, are amended to read as follows:

46 16 1. a. Registration plates shall be of metal and of a size
46 17 not to exceed six inches by twelve inches, except that the size
46 18 of plates issued for use on motorized bicycles, motorcycles,
46 19 motorcycle trailers, and trailers with an empty weight of two
46 20 thousand pounds or less shall be established by the department.

46 21 b. ~~Trailers~~ A trailer with an empty ~~weights~~ weight of two
46 22 thousand pounds or less may, upon request, be licensed with a a
46 23 regular-sized license plates registration plate.

46 24 2. Every registration plate ~~or pair of plates~~ shall
46 25 display a registration plate number which shall consist
46 26 of alphabetical or numerical characters or a combination
46 27 ~~thereof~~ of characters and the name of this state, which may be
46 28 abbreviated. Every registration plate issued by the county
46 29 treasurer shall display the name of the county, including any
46 30 plate issued pursuant to section 321.34, except Pearl Harbor
46 31 and purple heart registration plates issued prior to January 1,
46 32 1997; registration plates issued pursuant to section 321.34,
46 33 subsection 13, paragraph "d"; and collegiate, fire fighter, and
46 34 medal of honor registration plates. Special truck registration
46 35 plates shall display the word "special". The department may



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47 1 adopt rules to implement this subsection.

47 2 6. ~~Registration plates~~ A registration plate issued to a
47 3 disabled veteran under the provisions of section 321.105 shall
47 4 display the alphabetical characters "DV" which shall precede
47 5 the registration plate number. The ~~plates~~ plate may also
47 6 display a persons with disabilities parking sticker if issued
47 7 to the disabled veteran by the department under section 321L.2.

47 8 8. The owner of a trailer with an empty weight of two
47 9 thousand pounds or less shall receive a registration ~~plates~~
47 10 plate for the trailer smaller than plates regularly issued
47 11 for automobiles pursuant to rules adopted by the department
47 12 in accordance with this section unless the owner requests a a
47 13 regular-sized ~~plates~~ plate.

47 14 10. If the department reissues a new registration plate
47 15 design for a special registration plate under section 321.34,
47 16 all persons who have purchased or obtained the special
47 17 registration ~~plates~~ plate shall not be required to pay the
47 18 issuance fee.

47 19 Sec. 37. Section 321.385A, subsection 1, paragraph b, Code
47 20 2011, is amended to read as follows:

47 21 b. A citation issued for failure to have rear lamps as
47 22 required under section 321.387 or a ~~rear~~ registration plate
47 23 light as required under section 321.388 shall first provide for
47 24 a seventy=two hour period within which the person charged with
47 25 the violation shall replace or repair the lamps or light.

47 26 Sec. 38. Section 321.385A, subsection 2, Code 2011, is
47 27 amended to read as follows:

47 28 2. If the person complies with the directive to replace or
47 29 repair the headlamp, rear lamps, or ~~rear~~ registration plate
47 30 light within the allotted time period, the citation shall be
47 31 expunged. If the person fails to comply within the allotted
47 32 time period, the citation shall be processed in the same manner
47 33 as other citations.

47 34 Sec. 39. Section 321.388, Code 2011, is amended to read as
47 35 follows:



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48 1 321.388 Illuminating plates.
48 2 Either the rear lamp or a separate lamp shall be so
48 3 constructed and placed as to illuminate with a white light the
48 4 ~~rear~~ registration plate attached to the rear of the vehicle and
48 5 render it clearly legible from a distance of fifty feet to the
48 6 rear. When the ~~rear~~ registration plate is illuminated by an
48 7 electric lamp other than the required rear lamp, the two lamps
48 8 shall be turned on or off only by the same control switch at all
48 9 times when headlamps are lighted.
48 10 Sec. 40. Section 321E.10, unnumbered paragraph 1, Code
48 11 2011, is amended to read as follows:
48 12 The department or local authorities may upon application
48 13 issue annual trip permits for the movement of truck trailers
48 14 manufactured or assembled in this state that exceed the maximum
48 15 length specified in section 321.457 and the maximum width
48 16 specified in section 321.454. ~~Movement of the~~ The truck
48 17 trailers shall be moved solely for the purpose of delivery or
48 18 transfer from the point of manufacture or assembly to another
48 19 point of manufacture or assembly within the state or to a
48 20 point outside the state, shall be moved only on roadways of
48 21 twenty-four feet or more in width or on four-lane highways,
48 22 shall be moved on the most direct route necessary for such
48 23 movement, and shall display the special ~~plates~~ plate designated
48 24 in section 321.57. All A truck ~~trailers~~ trailer under permit
48 25 for such movement shall not contain freight or an additional
48 26 load. A vehicle or combination of two or more vehicles
48 27 inclusive of front and rear bumpers, including towing units,
48 28 involved in the movement of truck trailers shall not exceed an
48 29 overall width of ten feet. Vehicles or combinations shall be
48 30 distinctly marked on both the front and rear of the unit in a
48 31 manner the director of transportation designates to indicate
48 32 that the vehicles or combinations are being moved for delivery
48 33 or transfer purposes only.
48 34 Sec. 41. Section 321J.4B, subsection 5, paragraph f,
48 35 subparagraph (1), Code 2011, is amended to read as follows:



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49 1 (1) If the vehicle subject to the court order is not in
49 2 the custody of a law enforcement agency, the person or agency
49 3 designated in the order as the person or agency responsible for
49 4 executing the order shall, upon receipt of the order, promptly
49 5 locate the vehicle specified in the order, seize the motor
49 6 vehicle and the ~~license plates~~ registration plate, and send or
49 7 deliver the vehicle's ~~license plates~~ registration plate to the
49 8 department.

49 9 Sec. 42. Section 321J.4B, subsection 7, Code 2011, is
49 10 amended to read as follows:

49 11 7. a. Upon receipt of a notice of conviction of the
49 12 defendant for a violation of subsection 2, the impounding
49 13 authority shall seize the motor vehicle's ~~license plates~~
49 14 registration plate and registration, and shall send or deliver
49 15 them to the department.

49 16 b. The department shall destroy ~~license plates~~ a
49 17 registration plate received under this section and shall not
49 18 authorize the release of the vehicle or the issuance of a new
49 19 ~~license plates~~ registration plate for the vehicle until the
49 20 period of impoundment or immobilization has expired, and the
49 21 fee and costs assessed under subsection 10 have been paid. The
49 22 fee for issuance of a new license plates registration plate and
49 23 ~~certificates~~ certificate of registration shall be the same as
49 24 for the replacement of a lost, mutilated, or destroyed license
49 25 plates registration plate and ~~certificates~~ certificate of
49 26 registration.

49 27 Sec. 43. Section 321L.2, subsection 1, paragraph a,
49 28 subparagraphs (1) and (2), Code 2011, are amended to read as
49 29 follows:

49 30 (1) Persons with disabilities registration plates. An
49 31 applicant may order a persons with disabilities registration
49 32 ~~plates~~ plate pursuant to section 321.34. An applicant may
49 33 order a persons with disabilities registration plate for a
49 34 trailer used to transport a wheelchair pursuant to section
49 35 321.34 in addition to a persons with disabilities registration



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50 1 ~~plates~~ plate ordered by the applicant for a motor vehicle used
50 2 to tow such a trailer pursuant to section 321.34.
50 3 (2) Persons with disabilities parking sticker. An
50 4 applicant who owns a motor vehicle for which the applicant has
50 5 been issued a registration ~~plates~~ plate under section 321.34
50 6 or a registration ~~plates~~ plate as a seriously disabled veteran
50 7 under section 321.105 may apply to the department for a persons
50 8 with disabilities parking sticker to be affixed to the ~~plates~~
50 9 plate. The persons with disabilities parking stickers shall
50 10 bear the international symbol of accessibility.
50 11 Sec. 44. Section 321L.2, subsection 5, Code 2011, is amended
50 12 to read as follows:
50 13 5. A seriously disabled veteran who has been provided with
50 14 an automobile or other vehicle by the United States government
50 15 under the provisions of 38 U.S.C. { 1901 et seq. (1970) is
50 16 not required to apply for a persons with disabilities parking
50 17 permit under this section unless the veteran has been issued
50 18 a special registration ~~plates~~ plate or personalized ~~plates~~
50 19 plate for the vehicle. The regular registration ~~plates~~ plate
50 20 issued for the disabled veteran's vehicle without fee pursuant
50 21 to section 321.105 ~~entitle~~ entitles the disabled veteran to
50 22 all of the rights and privileges associated with persons with
50 23 disabilities parking permits under this chapter.
50 24 Sec. 45. Section 321L.2A, subsection 1, paragraph e, Code
50 25 2011, is amended to read as follows:
50 26 e. The person carries in the motor vehicle a copy of
50 27 the statement from a physician, physician's assistant,
50 28 advanced registered nurse practitioner, or chiropractor
50 29 which accompanied the person's application for a persons with
50 30 disabilities registration ~~plates~~ plate under section 321.34 or
50 31 other persons with disabilities parking permit under section
50 32 321L.2 and which indicates the person is permanently unable to
50 33 walk. The person shall show the copy of the statement to any
50 34 peace officer upon request.
50 35 Sec. 46. Section 326.17, Code 2011, is amended to read as



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51 1 follows:

51 2 326.17 Iowa base plates.

51 3 Resident fleet owners shall be required to list Iowa as the
51 4 base state for all commercial vehicles which qualify under the
51 5 term "base state" as defined in this chapter, and Iowa base
51 6 plates shall be displayed on all such commercial vehicles.
51 7 Nonresident fleet owners subject to proportional registration
51 8 shall display an Iowa base ~~plates if the plate on a~~ commercial
51 9 vehicle ~~that~~ qualifies as an Iowa based vehicle as defined in
51 10 this chapter.

51 11 Sec. 47. CODE EDITOR DIRECTIVE. The Code editor may make
51 12 any change the Code editor deems necessary to any Code section
51 13 that refers to the issuance of two rather than one vehicle
51 14 registration plate when there appears to be no doubt as to the
51 15 proper method of making the correction.

51 16 Sec. 48. TRANSITION PROVISIONS. The transition from the
51 17 use of motor vehicle registration plates on both the front
51 18 and rear of certain vehicles to the use of such plates on
51 19 only the rear of certain vehicles, as directed by this Act,
51 20 shall be accomplished in stages. A person applying for a new
51 21 or replacement registration plate on or after July 1, 2011,
51 22 shall receive only one registration plate. Otherwise, the
51 23 transition shall not be accomplished until a new series of
51 24 registration plates is issued to replace a current series. The
51 25 department of transportation shall adopt rules to implement the
51 26 transition.

51 27 EXPLANATION

51 28 This bill amends Code section 321.37, relating to the
51 29 display of motor vehicle registration plates, to provide
51 30 that only one registration plate shall be issued for a motor
51 31 vehicle. The registration plate is to be attached to the rear
51 32 of the motor vehicle, except that the registration plate for
51 33 a truck tractor is to be attached to the front of the truck
51 34 tractor. Currently, two registration plates are issued for
51 35 a motor vehicle other than a motorcycle, motorized bicycle,



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52 1 or truck tractor, to be attached to the front and rear of the
52 2 vehicle.
52 3 The bill also makes numerous corresponding Code language
52 4 changes, makes some Code language changes to enhance
52 5 readability, and provides for the transition from the use of
52 6 two registration plates to the use of one registration plate.
LSB 1469XS (6) 84
dea/nh



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SENATE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO SSB
1052)

A BILL FOR

1 An Act relating to public funding and regulatory matters by
2 making appropriations, providing for updated Code references
3 to the Internal Revenue Code, increasing the state earned
4 income tax credit, and including effective date and
5 retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1237SV (2) 84
tw/sc



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PAG LIN

1 1 DIVISION I
1 2 INTERNAL REVENUE CODE REFERENCES
1 3 Section 1. Section 422.3, subsection 5, Code 2011, is
1 4 amended to read as follows:
1 5 5. "Internal Revenue Code" means the Internal Revenue Code
1 6 of 1954, prior to the date of its redesignation as the Internal
1 7 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
1 8 the Internal Revenue Code of 1986 as amended to and including
1 9 January 1, ~~2008~~ 2011.
1 10 Sec. 2. Section 422.7, subsection 29A, Code 2011, is amended
1 11 by striking the subsection.
1 12 Sec. 3. Section 422.9, subsection 2, paragraph i, Code 2011,
1 13 is amended to read as follows:
1 14 i. The deduction for state sales and use taxes is allowable
1 15 only if the taxpayer elected to deduct the state sales and use
1 16 taxes in lieu of state income taxes under section 164 of the
1 17 Internal Revenue Code. A deduction for state sales and use
1 18 taxes is not allowed if the taxpayer has taken the deduction
1 19 for state income taxes or claimed the standard deduction under
1 20 section 63 of the Internal Revenue Code. This paragraph
1 21 applies to taxable years beginning after December 31, 2003, and
1 22 before January 1, ~~2006~~ 2008, and to taxable years beginning
1 23 after December 31, 2009, and before January 1, 2012.
1 24 Sec. 4. Section 422.32, subsection 7, Code 2011, is amended
1 25 to read as follows:
1 26 7. "Internal Revenue Code" means the Internal Revenue Code
1 27 of 1954, prior to the date of its redesignation as the Internal
1 28 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
1 29 the Internal Revenue Code of 1986 as amended to and including
1 30 January 1, ~~2008~~ 2011.
1 31 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of this
1 32 Act, being deemed of immediate importance, takes effect upon
1 33 enactment.
1 34 Sec. 6. RETROACTIVE APPLICABILITY. The following provision
1 35 or provisions of this division of this Act apply retroactively



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2 1 to January 1, 2010, for tax years beginning on or after that
2 2 date:

2 3 1. The section of this Act amending section 422.3.

2 4 2. The section of this Act amending section 422.32.

2 5 Sec. 7. RETROACTIVE APPLICABILITY. The following provision
2 6 or provisions of this division of this Act apply retroactively
2 7 to January 1, 2011, for tax years beginning on or after that
2 8 date:

2 9 1. The section of this Act amending section 422.7,
2 10 subsection 29A.

2 11 Sec. 8. RETROACTIVE APPLICABILITY. The following provision
2 12 or provisions of this division of this Act apply retroactively
2 13 to tax years beginning on or after January 1, 2006, but before
2 14 January 1, 2008, and to tax years beginning on or after January
2 15 1, 2010, but before January 1, 2012:

2 16 1. The section of this Act amending section 422.9.

2 17 DIVISION II

2 18 RESEARCH ACTIVITIES CREDIT

2 19 Sec. 9. Section 15.335, subsection 4, Code 2011, is amended
2 20 to read as follows:

2 21 4. a. In lieu of the credit amount computed in subsection
2 22 2, an eligible business may elect to compute the credit amount
2 23 for qualified research expenses incurred in this state in a
2 24 manner consistent with the alternative ~~incremental~~ simplified
2 25 credit described in section ~~41(c)(4)~~ 41(c)(5) of the Internal
2 26 Revenue Code. The taxpayer may make this election regardless
2 27 of the method used for the taxpayer's federal income tax. The
2 28 election made under this paragraph is for the tax year and the
2 29 taxpayer may use another or the same method for any subsequent
2 30 year.

2 31 b. For purposes of the alternate credit computation
2 32 method in paragraph "a", the credit percentages applicable to
2 33 qualified research expenses described in ~~clauses (i), (ii),~~
~~2 34 and (iii) of section 41(c)(4)(A)~~ 41(c)(5)(A) and clause (ii)
2 35 of section 41(c)(5)(B) of the Internal Revenue Code are as



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3 1 follows:

3 2 (1) In the case of an eligible business whose gross revenues
3 3 do not exceed twenty million dollars per year, the credit
3 4 percentages are ~~two and fifty-four hundredths percent, three~~
~~3 5 and thirty-eight hundredths percent, and four and twenty-three~~
~~3 6 hundredths~~ seven percent and three percent, respectively.

3 7 (2) In the case of an eligible business whose gross revenues
3 8 exceed twenty million dollars per year, the credit percentages
3 9 are ~~seventy-six hundredths percent, one and two hundredths~~
~~3 10 percent, and one and twenty-seven hundredths~~ two and one-tenth
3 11 percent and nine-tenths percent, respectively.

3 12 Sec. 10. Section 15.335, subsection 7, Code 2011, is amended
3 13 to read as follows:

3 14 7. a. For purposes of this section, "base amount", "basic
3 15 research payment", and "qualified research expense" mean the
3 16 same as defined for the federal credit for increasing research
3 17 activities under section 41 of the Internal Revenue Code,
3 18 except that for the alternative ~~incremental~~ simplified credit
3 19 such amounts are for research conducted within this state.

3 20 b. For purposes of this section, "Internal Revenue Code"
3 21 means the Internal Revenue Code in effect on January 1, ~~2009~~
~~3 22~~ 2011.

3 23 Sec. 11. Section 15A.9, subsection 8, paragraphs b, c, and
3 24 e, Code 2011, are amended to read as follows:

3 25 b. In lieu of the credit amount computed in paragraph "a",
3 26 subparagraph (1), subparagraph division (a), a business may
3 27 elect to compute the credit amount for qualified research
3 28 expenses incurred in this state within the zone in a manner
3 29 consistent with the alternative ~~incremental~~ simplified credit
3 30 described in section ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue
3 31 Code. The taxpayer may make this election regardless of
3 32 the method used for the taxpayer's federal income tax. The
3 33 election made under this paragraph is for the tax year and the
3 34 taxpayer may use another or the same method for any subsequent
3 35 year.



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4 1 c. For purposes of the alternate credit computation
4 2 method in paragraph "b", the credit percentages applicable to
4 3 qualified research expenses described in ~~clauses (i), (ii), and~~
~~4 4 (iii) of section 41(c)(4)(A) 41(c)(5)(A) and clause (ii) of~~
4 5 section 41(c)(5)(B) of the Internal Revenue Code are three and
~~4 6 thirty hundredths percent, four and forty hundredths percent,~~
~~4 7 and five and fifty hundredths percent, respectively as follows:~~
4 8 (1) In the case of an eligible business whose gross revenues
4 9 do not exceed twenty million dollars per year, the credit
4 10 percentages are seven percent and three percent, respectively.
4 11 (2) In the case of an eligible business whose gross revenues
4 12 exceed twenty million dollars per year, the credit percentages
4 13 are two and one-tenths percent and nine-tenths percent,
4 14 respectively.
4 15 e. (1) For the purposes of this subsection, "base amount",
4 16 "basic research payment", and "qualified research expense" mean
4 17 the same as defined for the federal credit for increasing
4 18 research activities under section 41 of the Internal Revenue
4 19 Code, except that for the alternative ~~incremental~~ simplified
4 20 credit such amounts are for research conducted within this
4 21 state within the zone.
4 22 (2) For purposes of this subsection, "Internal Revenue Code"
4 23 means the Internal Revenue Code in effect on January 1, ~~2009~~
~~4 24 2011.~~
4 25 Sec. 12. Section 422.10, subsection 1, paragraphs b and c,
4 26 Code 2011, are amended to read as follows:
4 27 b. In lieu of the credit amount computed in paragraph "a",
4 28 subparagraph (1), subparagraph division (a), a taxpayer may
4 29 elect to compute the credit amount for qualified research
4 30 expenses incurred in this state in a manner consistent with the
4 31 alternative ~~incremental~~ simplified credit described in section
4 32 ~~41(c)(4)~~ 41(c)(5) of the Internal Revenue Code. The taxpayer
4 33 may make this election regardless of the method used for the
4 34 taxpayer's federal income tax. The election made under this
4 35 paragraph is for the tax year and the taxpayer may use another



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5 1 or the same method for any subsequent year.

5 2 c. For purposes of the alternate credit computation

5 3 method in paragraph "b", the credit percentages applicable

5 4 to qualified research expenses described in ~~clauses (i),~~

~~5 5 (ii), and (iii) of section 41(c)(4)(A) 41(c)(5)(A) and clause~~

5 6 (ii) of section 41(c)(5)(B) of the Internal Revenue Code

5 7 are ~~one and sixty-five hundredths percent, two and twenty~~

~~5 8 hundredths percent, and two and seventy-five hundredths four~~

5 9 and fifty-five hundredths percent and one and ninety-five

5 10 hundredths percent, respectively.

5 11 Sec. 13. Section 422.10, subsection 3, Code 2011, is amended

5 12 to read as follows:

5 13 3. a. For purposes of this section, "base amount", "basic

5 14 research payment", and "qualified research expense" mean the

5 15 same as defined for the federal credit for increasing research

5 16 activities under section 41 of the Internal Revenue Code,

5 17 except that for the alternative ~~incremental~~ simplified credit

5 18 such amounts are for research conducted within this state.

5 19 b. For purposes of this section, "Internal Revenue Code"

5 20 means the Internal Revenue Code in effect on January 1, ~~2009~~

~~5 21 2011.~~

5 22 Sec. 14. Section 422.33, subsection 5, paragraphs b, c, and

5 23 d, Code 2011, are amended to read as follows:

5 24 b. In lieu of the credit amount computed in paragraph

5 25 "a", subparagraph (1), a corporation may elect to compute the

5 26 credit amount for qualified research expenses incurred in this

5 27 state in a manner consistent with the alternative ~~incremental~~

~~5 28 simplified credit described in section 41(c)(4) 41(c)(5) of the~~

5 29 Internal Revenue Code. The taxpayer may make this election

5 30 regardless of the method used for the taxpayer's federal income

5 31 tax. The election made under this paragraph is for the tax

5 32 year and the taxpayer may use another or the same method for

5 33 any subsequent year.

5 34 c. For purposes of the alternate credit computation

5 35 method in paragraph "b", the credit percentages applicable



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6 1 to qualified research expenses described in ~~clauses (i),~~
~~6 2 (ii), and (iii) of section 41(c)(4)(A) 41(c)(5)(A) and clause~~
6 3 (ii) of section 41(c)(5)(B) of the Internal Revenue Code
6 4 ~~are one and sixty-five hundredths percent, two and twenty~~
~~6 5 hundredths percent, and two and seventy-five hundredths~~ four
6 6 and fifty-five hundredths percent and one and ninety-five
6 7 hundredths percent, respectively.
6 8 d. (1) For purposes of this subsection, "base amount",
6 9 "basic research payment", and "qualified research expense" mean
6 10 the same as defined for the federal credit for increasing
6 11 research activities under section 41 of the Internal Revenue
6 12 Code, except that for the alternative ~~incremental~~ simplified
6 13 credit such amounts are for research conducted within this
6 14 state.
6 15 (2) For purposes of this subsection, "Internal Revenue Code"
6 16 means the Internal Revenue Code in effect on January 1, ~~2009~~
~~6 17 2011.~~
6 18 Sec. 15. EFFECTIVE UPON ENACTMENT. This division of this
6 19 Act, being deemed of immediate importance, takes effect upon
6 20 enactment.
6 21 Sec. 16. RETROACTIVE APPLICABILITY. The following
6 22 provision or provisions of this division of this Act apply
6 23 retroactively to July 1, 2010, for tax credits awarded on or
6 24 after that date:
6 25 1. The section of this Act amending section 15.335,
6 26 subsection 4.
6 27 2. The section of this Act amending section 15A.9.
6 28 Sec. 17. RETROACTIVE APPLICABILITY. The following
6 29 provision or provisions of this division of this Act apply
6 30 retroactively to January 1, 2010, for tax years beginning on
6 31 or after that date:
6 32 1. The section of this Act amending section 15.335,
6 33 subsection 7.
6 34 2. The section of this Act amending section 422.10,
6 35 subsection 1.



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7 1 3. The section of this Act amending section 422.10,
7 2 subsection 3.
7 3 4. The section of this Act amending section 422.33.
7 4 DIVISION III
7 5 BONUS DEPRECIATION
7 6 Sec. 18. Section 422.5, subsection 2, paragraph b,
7 7 subparagraph (1), Code 2011, is amended to read as follows:
7 8 (1) Add items of tax preference included in federal
7 9 alternative minimum taxable income under section 57, except
7 10 subsections (a)(1), (a)(2), and (a)(5), of the Internal Revenue
7 11 Code, make the adjustments included in federal alternative
7 12 minimum taxable income under section 56, except subsections
7 13 (a)(4), (b)(1)(C)(iii), and (d), of the Internal Revenue Code,
7 14 and add losses as required by section 58 of the Internal
7 15 Revenue Code. To the extent that any preference or adjustment
7 16 is determined by an individual's federal adjusted gross income,
7 17 the individual's federal adjusted gross income is computed in
7 18 accordance with section 422.7, ~~subsection~~ subsections 39, 39A,
7 19 39B, and 53. In the case of an estate or trust, the items of
7 20 tax preference, adjustments, and losses shall be apportioned
7 21 between the estate or trust and the beneficiaries in accordance
7 22 with rules prescribed by the director.
7 23 Sec. 19. Section 422.7, Code 2011, is amended by adding the
7 24 following new subsections:
7 25 NEW SUBSECTION. 39A. The additional first-year
7 26 depreciation allowance authorized in section 168(k) of the
7 27 Internal Revenue Code, as enacted by Pub. L. No. 110=185,
7 28 section 103, Pub. L. No. 111=5, section 1201, Pub. L. No.
7 29 111=240, section 2022, and Pub. L. No. 111=312, section 401,
7 30 does not apply in computing net income for state tax purposes
7 31 for tax years beginning before January 1, 2011. If the
7 32 taxpayer has taken the additional first-year depreciation
7 33 allowance for purposes of computing federal adjusted gross
7 34 income, then the taxpayer shall make the following adjustments
7 35 to federal adjusted gross income when computing net income for



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8 1 state tax purposes:

8 2 a. Add the total amount of depreciation taken under section
8 3 168(k) of the Internal Revenue Code for the tax year.

8 4 b. Subtract the amount of depreciation allowable under the
8 5 modified accelerated cost recovery system described in section
8 6 168 of the Internal Revenue Code and calculated without regard
8 7 to section 168(k).

8 8 c. Any other adjustments to gains or losses necessary to
8 9 reflect the adjustments made in paragraphs "a" and "b". The
8 10 director shall adopt rules for the administration of this
8 11 paragraph.

8 12 NEW SUBSECTION. 39B. The additional first=year
8 13 depreciation allowance authorized in section 168(n) of the
8 14 Internal Revenue Code, as enacted by Pub. L. No. 110=343,
8 15 section 710, does not apply in computing net income for
8 16 state tax purposes for tax years beginning before January 1,
8 17 2011. If the taxpayer has taken the additional first=year
8 18 depreciation allowance for purposes of computing federal
8 19 adjusted gross income, then the taxpayer shall make the
8 20 following adjustments to federal adjusted gross income when
8 21 computing net income for state tax purposes:

8 22 a. Add the total amount of depreciation taken under section
8 23 168(n) of the Internal Revenue Code for the tax year.

8 24 b. Subtract the amount of depreciation allowable under the
8 25 modified accelerated cost recovery system described in section
8 26 168 of the Internal Revenue Code and calculated without regard
8 27 to section 168(n).

8 28 c. Any other adjustments to gains or losses necessary to
8 29 reflect the adjustments made in paragraphs "a" and "b". The
8 30 director shall adopt rules for the administration of this
8 31 paragraph.

8 32 Sec. 20. Section 422.7, subsection 53, Code 2011, is amended
8 33 to read as follows:

8 34 53. A taxpayer is not allowed to take the increased
8 35 expensing allowance under section 179 of the Internal Revenue



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9 1 Code, as amended by Pub. L. No. ~~110=185~~ 111=5, section 1202, in
9 2 computing adjusted gross income for state tax purposes for tax
9 3 years beginning before January 1, 2011.

9 4 Sec. 21. Section 422.9, subsection 2, paragraph h, Code
9 5 2011, is amended to read as follows:

9 6 h. For purposes of calculating the deductions in this
9 7 subsection that are authorized under the Internal Revenue Code,
9 8 and to the extent that any of such deductions is determined by
9 9 an individual's federal adjusted gross income, the individual's
9 10 federal adjusted gross income is computed in accordance with
9 11 section 422.7, ~~subsection~~ subsections 39, 39A, 39B, and 53.

9 12 Sec. 22. Section 422.35, Code 2011, is amended by adding the
9 13 following new subsections:

9 14 NEW SUBSECTION. 19A. The additional first=year
9 15 depreciation allowance authorized in section 168(k) of the
9 16 Internal Revenue Code, as enacted by Pub. L. No. 110=185,
9 17 section 103, Pub. L. No. 111=5, section 1201, Pub. L. No.
9 18 111=240, section 2022, and Pub. L. No. 111=312, section 401,
9 19 does not apply in computing net income for state tax purposes
9 20 for tax years beginning before January 1, 2011. If the
9 21 taxpayer has taken the additional first=year depreciation
9 22 allowance for purposes of computing federal taxable income,
9 23 then the taxpayer shall make the following adjustments to
9 24 federal taxable income when computing net income for state tax
9 25 purposes:

9 26 a. Add the total amount of depreciation taken under section
9 27 168(k) of the Internal Revenue Code for the tax year.

9 28 b. Subtract the amount of depreciation allowable under the
9 29 modified accelerated cost recovery system described in section
9 30 168 of the Internal Revenue Code and calculated without regard
9 31 to section 168(k).

9 32 c. Any other adjustments to gains or losses necessary to
9 33 reflect the adjustments made in paragraphs "a" and "b". The
9 34 director shall adopt rules for the administration of this
9 35 paragraph.



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10 1 NEW SUBSECTION. 19B. The additional first=year
10 2 depreciation allowance authorized in section 168(n) of the
10 3 Internal Revenue Code, as enacted by Pub. L. No. 110=343,
10 4 section 710, does not apply in computing net income for
10 5 state tax purposes for tax years beginning before January 1,
10 6 2011. If the taxpayer has taken the additional first=year
10 7 depreciation allowance for purposes of computing federal
10 8 taxable income, then the taxpayer shall make the following
10 9 adjustments to federal taxable income when computing net income
10 10 for state tax purposes:
10 11 a. Add the total amount of depreciation taken under section
10 12 168(n) of the Internal Revenue Code for the tax year.
10 13 b. Subtract the amount of depreciation allowable under the
10 14 modified accelerated cost recovery system described in section
10 15 168 of the Internal Revenue Code and calculated without regard
10 16 to section 168(n).
10 17 c. Any other adjustments to gains or losses necessary to
10 18 reflect the adjustments made in paragraphs "a" and "b". The
10 19 director shall adopt rules for the administration of this
10 20 paragraph.
10 21 Sec. 23. Section 422.35, subsection 24, Code 2011, is
10 22 amended to read as follows:
10 23 24. A taxpayer is not allowed to take the increased
10 24 expensing allowance under section 179 of the Internal Revenue
10 25 Code, as amended by Pub. L. No. ~~110-185~~ 111=5, section 1202, in
10 26 computing taxable income for state tax purposes for tax years
10 27 beginning before January 1, 2011.
10 28 Sec. 24. EFFECTIVE UPON ENACTMENT. This division of this
10 29 Act, being deemed of immediate importance, takes effect upon
10 30 enactment.
10 31 Sec. 25. RETROACTIVE APPLICABILITY. The following
10 32 provision or provisions of this division of this Act apply
10 33 retroactively to January 1, 2008, for tax years ending on or
10 34 after that date:
10 35 1. The section of this Act amending section 422.5.



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11 1 2. The section of this Act enacting section 422.7, new
11 2 subsections 39A and 39B.

11 3 3. The section of this Act amending section 422.9.

11 4 4. The section of this Act enacting section 422.35, new
11 5 subsections 19A and 19B.

11 6 Sec. 26. RETROACTIVE APPLICABILITY. The following
11 7 provision or provisions of this division of this Act apply
11 8 retroactively to January 1, 2009, for tax years beginning on or
11 9 after that date, and before January 1, 2010:

11 10 1. The section of this Act amending section 422.7,
11 11 subsection 53.

11 12 2. The section of this Act amending section 422.35,
11 13 subsection 24.

11 14 DIVISION IV

11 15 EARNED INCOME TAX CREDIT

11 16 Sec. 27. Section 422.12B, subsection 1, Code 2011, is
11 17 amended to read as follows:

11 18 1. The taxes imposed under this division less the credits
11 19 allowed under section 422.12 shall be reduced by an earned
11 20 income credit equal to ~~seven~~ ten percent of the federal earned
11 21 income credit provided in section 32 of the Internal Revenue
11 22 Code. Any credit in excess of the tax liability is refundable.

11 23 Sec. 28. RETROACTIVE APPLICABILITY. This division of this
11 24 Act applies retroactively to January 1, 2011, for tax years
11 25 beginning on or after that date.

11 26 DIVISION V

11 27 SUPPLEMENTAL APPROPRIATIONS

11 28 Sec. 29. DEPARTMENT OF EDUCATION ==== COMMUNITY
11 29 COLLEGES. After applying the reductions made pursuant to 2010
11 30 Iowa Acts, chapter 1193, section 27, to the appropriations made
11 31 for the following designated purposes, there is appropriated
11 32 from the general fund of the state to the department of
11 33 education for the fiscal year beginning July 1, 2010, and
11 34 ending June 30, 2011, the following amounts, or so much thereof
11 35 as is necessary, to supplement the appropriations made for the



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12 1 following designated purposes:
12 2 1. MERGED AREA I ==== NORTHEAST IOWA COMMUNITY COLLEGE
12 3 For general state financial aid for merged area I, in
12 4 2010 Iowa Acts, chapter 1183, section 6, subsection 19, and
12 5 reflecting a corrective addition of \$4,474 in the overall
12 6 amount appropriated for the merged area's general state
12 7 financial aid for the fiscal year:
12 8 \$ 298,883
12 9 2. MERGED AREA II ==== NORTH IOWA AREA COMMUNITY COLLEGE
12 10 For general state financial aid for merged area II, in
12 11 2010 Iowa Acts, chapter 1183, section 6, subsection 20, and
12 12 reflecting a corrective reduction of \$28,512 in the overall
12 13 amount appropriated for the merged area's general state
12 14 financial aid for the fiscal year:
12 15 \$ 286,545
12 16 3. MERGED AREA III ==== IOWA LAKES COMMUNITY COLLEGE
12 17 For general state financial aid for merged area III, in
12 18 2010 Iowa Acts, chapter 1183, section 6, subsection 21, and
12 19 reflecting a corrective reduction of \$32,233 in the overall
12 20 amount appropriated for the merged area's general state
12 21 financial aid for the fiscal year:
12 22 \$ 257,873
12 23 4. MERGED AREA IV ==== NORTHWEST COMMUNITY COLLEGE
12 24 For general state financial aid for merged area IV, in
12 25 2010 Iowa Acts, chapter 1183, section 6, subsection 22, and
12 26 reflecting a corrective reduction of \$13,939 in the overall
12 27 amount appropriated for the merged area's general state
12 28 financial aid for the fiscal year:
12 29 \$ 128,526
12 30 5. MERGED AREA V ==== IOWA CENTRAL COMMUNITY COLLEGE
12 31 For general state financial aid for merged area V, in
12 32 2010 Iowa Acts, chapter 1183, section 6, subsection 23, and
12 33 reflecting a corrective addition of \$18,745 in the overall
12 34 amount appropriated for the merged area's general state
12 35 financial aid for the fiscal year:



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13 1 \$ 344,251
13 2 6. MERGED AREA VI == IOWA VALLEY COMMUNITY COLLEGE DISTRICT
13 3 For general state financial aid for merged area VI, in
13 4 2010 Iowa Acts, chapter 1183, section 6, subsection 24, and
13 5 reflecting a corrective reduction of \$25,507 in the overall
13 6 amount appropriated for the merged area's general state
13 7 financial aid for the fiscal year:
13 8 \$ 251,942
13 9 7. MERGED AREA VII ==== HAWKEYE COMMUNITY COLLEGE
13 10 For general state financial aid for merged area VII, in
13 11 2010 Iowa Acts, chapter 1183, section 6, subsection 25, and
13 12 reflecting a corrective reduction of \$11,837 in the overall
13 13 amount appropriated for the merged area's general state
13 14 financial aid for the fiscal year:
13 15 \$ 401,298
13 16 8. MERGED AREA IX ==== EASTERN IOWA COMMUNITY COLLEGE
13 17 For general state financial aid for merged area IX, in
13 18 2010 Iowa Acts, chapter 1183, section 6, subsection 26, and
13 19 reflecting a corrective reduction of \$4,921 in the overall
13 20 amount appropriated for the merged area's general state
13 21 financial aid for the fiscal year:
13 22 \$ 508,961
13 23 9. MERGED AREA X ==== KIRKWOOD COMMUNITY COLLEGE
13 24 For general state financial aid for merged area X, in
13 25 2010 Iowa Acts, chapter 1183, section 6, subsection 27, and
13 26 reflecting a corrective addition of \$55,034 in the overall
13 27 amount appropriated for the merged area's general state
13 28 financial aid for the fiscal year:
13 29 \$ 959,044
13 30 10. MERGED AREA XI ==== DES MOINES AREA COMMUNITY COLLEGE
13 31 For general state financial aid for merged area XI, in
13 32 2010 Iowa Acts, chapter 1183, section 6, subsection 28, and
13 33 reflecting a corrective addition of \$106,395 in the overall
13 34 amount appropriated for the merged area's general state
13 35 financial aid for the fiscal year:



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14 1 \$ 1,016,636
14 2 11. MERGED AREA XII ==== WESTERN IOWA TECH COMMUNITY COLLEGE
14 3 For general state financial aid for merged area XII, in
14 4 2010 Iowa Acts, chapter 1183, section 6, subsection 29, and
14 5 reflecting a corrective reduction of \$8,974 in the overall
14 6 amount appropriated for the merged area's general state
14 7 financial aid for the fiscal year:
14 8 \$ 328,413
14 9 12. MERGED AREA XIII ==== IOWA WESTERN COMMUNITY COLLEGE
14 10 For general state financial aid for merged area XIII, in
14 11 2010 Iowa Acts, chapter 1183, section 6, subsection 30, and
14 12 reflecting a corrective addition of \$9,196 in the overall
14 13 amount appropriated for the merged area's general state
14 14 financial aid for the fiscal year:
14 15 \$ 355,950
14 16 13. MERGED AREA XIV ==== SOUTHWESTERN COMMUNITY COLLEGE
14 17 For general state financial aid for merged area XIV, in
14 18 2010 Iowa Acts, chapter 1183, section 6, subsection 31, and
14 19 reflecting a corrective reduction of \$12,340 in the overall
14 20 amount appropriated for the merged area's general state
14 21 financial aid for the fiscal year:
14 22 \$ 132,279
14 23 14. MERGED AREA XV ==== INDIAN HILLS COMMUNITY COLLEGE
14 24 For general state financial aid for merged area XV, in
14 25 2010 Iowa Acts, chapter 1183, section 6, subsection 32, and
14 26 reflecting a corrective reduction of \$43,717 in the overall
14 27 amount appropriated for the merged area's general state
14 28 financial aid for the fiscal year:
14 29 \$ 409,622
14 30 15. MERGED AREA XVI ==== SOUTHEASTERN COMMUNITY COLLEGE
14 31 For general state financial aid for merged area XVI, in
14 32 2010 Iowa Acts, chapter 1183, section 6, subsection 33, and
14 33 reflecting a corrective reduction of \$11,864 in the overall
14 34 amount appropriated for the merged area's general state
14 35 financial aid for the fiscal year:



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15 1 \$ 248,098
15 2 16. For distribution to community colleges to supplement
15 3 faculty salaries, in 2010 Iowa Acts, chapter 1183, section 8:
15 4 \$ 20,415
15 5 Sec. 30. DEPARTMENT OF CORRECTIONS. After applying the
15 6 reductions made pursuant to 2010 Iowa Acts, chapter 1193,
15 7 section 27, and any transfers made pursuant to 2010 Iowa Acts,
15 8 chapter 1193, section 28, to the appropriations made for the
15 9 following designated purposes, there is appropriated from the
15 10 general fund of the state to the department of corrections
15 11 for the fiscal year beginning July 1, 2010, and ending June
15 12 30, 2011, the following amounts, or so much thereof as is
15 13 necessary, to supplement the appropriations made for the
15 14 following designated purposes:
15 15 1. For the operation of adult correctional institutions in
15 16 2010 Iowa Acts, chapter 1190, section 3, subsection 1, to be
15 17 allocated as follows:
15 18 a. For the operation of the Fort Madison correctional
15 19 facility in 2010 Iowa Acts, chapter 1190, section 3, subsection
15 20 1, paragraph "a":
15 21 \$ 1,920,083
15 22 b. For the operation of the Anamosa correctional facility
15 23 in 2010 Iowa Acts, chapter 1190, section 3, subsection 1,
15 24 paragraph "b":
15 25 \$ 1,293,060
15 26 c. For the operation of the Oakdale correctional facility
15 27 in 2010 Iowa Acts, chapter 1190, section 3, subsection 1,
15 28 paragraph "c":
15 29 \$ 2,385,141
15 30 d. For the operation of the Newton correctional facility
15 31 in 2010 Iowa Acts, chapter 1190, section 3, subsection 1,
15 32 paragraph "d":
15 33 \$ 1,101,460
15 34 e. For the operation of the Mount Pleasant correctional
15 35 facility in 2010 Iowa Acts, chapter 1190, section 3, subsection



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16 1 1, paragraph "e":
16 2 \$ 1,359,865
16 3 f. For the operation of the Rockwell City correctional
16 4 facility in 2010 Iowa Acts, chapter 1190, section 3, subsection
16 5 1, paragraph "f":
16 6 \$ 412,008
16 7 g. For the operation of the Clarinda correctional facility
16 8 in 2010 Iowa Acts, chapter 1190, section 3, subsection 1,
16 9 paragraph "g":
16 10 \$ 1,180,617
16 11 h. For the operation of the Mitchellville correctional
16 12 facility in 2010 Iowa Acts, chapter 1190, section 3, subsection
16 13 1, paragraph "h":
16 14 \$ 504,674
16 15 i. For the operation of the Fort Dodge correctional facility
16 16 in 2010 Iowa Acts, chapter 1190, section 3, subsection 1,
16 17 paragraph "i":
16 18 \$ 1,162,060
16 19 2. For general administration in 2010 Iowa Acts, chapter
16 20 1190, section 4:
16 21 \$ 110,202
16 22 3. For the judicial district departments of correctional
16 23 services in 2010 Iowa Acts, chapter 1190, section 5, subsection
16 24 1, to be allocated as follows:
16 25 a. For the first judicial district department of
16 26 correctional services in 2010 Iowa Acts, chapter 1190, section
16 27 5, subsection 1, paragraph "a":
16 28 \$ 393,353
16 29 b. For the second judicial district department of
16 30 correctional services in 2010 Iowa Acts, chapter 1190, section
16 31 5, subsection 1, paragraph "b":
16 32 \$ 360,912
16 33 c. For the third judicial district department of
16 34 correctional services in 2010 Iowa Acts, chapter 1190, section
16 35 5, subsection 1, paragraph "c":



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17 1	\$	221,793
17 2	d. For the fourth judicial district department of		
17 3	correctional services in 2010 Iowa Acts, chapter 1190, section		
17 4	5, subsection 1, paragraph "d":		
17 5	.....	\$	169,067
17 6	e. For the fifth judicial district department of		
17 7	correctional services in 2010 Iowa Acts, chapter 1190, section		
17 8	5, subsection 1, paragraph "e":		
17 9	.....	\$	723,637
17 10	f. For the sixth judicial district department of		
17 11	correctional services in 2010 Iowa Acts, chapter 1190, section		
17 12	5, subsection 1, paragraph "f":		
17 13	.....	\$	460,329
17 14	g. For the seventh judicial district department of		
17 15	correctional services in 2010 Iowa Acts, chapter 1190, section		
17 16	5, subsection 1, paragraph "g":		
17 17	.....	\$	265,431
17 18	h. For the eighth judicial district department of		
17 19	correctional services in 2010 Iowa Acts, chapter 1190, section		
17 20	5, subsection 1, paragraph "h":		
17 21	.....	\$	177,991
17 22	Sec. 31. STATE PUBLIC DEFENDER. After applying the		
17 23	reductions made pursuant to 2010 Iowa Acts, chapter 1193,		
17 24	section 27, to the appropriations made for the following		
17 25	designated purposes, there is appropriated from the general		
17 26	fund of the state to the office of the state public defender of		
17 27	the department of inspections and appeals for the fiscal year		
17 28	beginning July 1, 2010, and ending June 30, 2011, the following		
17 29	amounts, or so much thereof as is necessary, to supplement the		
17 30	appropriations made for the following designated purposes:		
17 31	1. For the office of the state public defender, in 2010 Iowa		
17 32	Acts, chapter 1190, section 10, subsection 1:		
17 33	.....	\$	2,551,500
17 34	2. For the fees of court-appointed attorneys for indigent		
17 35	adults and juveniles, in accordance with section 232.141 and		



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18 1 chapter 815, in 2010 Iowa Acts, chapter 1190, section 10,
18 2 subsection 2:
18 3 \$ 16,000,000
18 4 Sec. 32. DEPARTMENT OF PUBLIC SAFETY. After applying the
18 5 reductions made pursuant to 2010 Iowa Acts, chapter 1193,
18 6 section 27, and any transfers made pursuant to 2010 Iowa Acts,
18 7 chapter 1193, section 28, to the appropriations made for the
18 8 following designated purposes, there is appropriated from
18 9 the general fund of the state to the department of public
18 10 safety for the fiscal year beginning July 1, 2010, and ending
18 11 June 30, 2011, the following amounts, or so much thereof as
18 12 is necessary, to supplement the appropriations made for the
18 13 following designated purposes:
18 14 1. For the department's administrative functions in 2010
18 15 Iowa Acts, chapter 1190, section 14, subsection 1:
18 16 \$ 275,000
18 17 2. For the division of criminal investigation in 2010 Iowa
18 18 Acts, chapter 1190, section 14, subsection 2:
18 19 \$ 325,000
18 20 3. For the division of narcotics enforcement in 2010 Iowa
18 21 Acts, chapter 1190, section 14, subsection 4, paragraph "a":
18 22 \$ 225,000
18 23 4. For the division of state fire marshal in 2010 Iowa Acts,
18 24 chapter 1190, section 14, subsection 5:
18 25 \$ 130,000
18 26 5. For the division of state patrol in 2010 Iowa Acts,
18 27 chapter 1190, section 14, subsection 6:
18 28 \$ 2,000,000
18 29 Sec. 33. DEPARTMENT OF PUBLIC HEALTH. After applying the
18 30 reductions made pursuant to 2010 Iowa Acts, chapter 1193,
18 31 section 27, and any transfers made pursuant to 2010 Iowa Acts,
18 32 chapter 1193, section 28, to the appropriations made for the
18 33 following designated purposes, there is appropriated from
18 34 the general fund of the state to the department of public
18 35 health for the fiscal year beginning July 1, 2010, and ending



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19 1 June 30, 2011, the following amounts, or so much thereof as
19 2 is necessary, to supplement the appropriations made for the
19 3 following designated purposes:
19 4 1. For addictive disorders, in 2010 Iowa Acts, chapter 1192,
19 5 section 2, subsection 1:
19 6 \$ 675,896
19 7 2. For healthy children and families, in 2010 Iowa Acts,
19 8 chapter 1192, section 2, subsection 2:
19 9 \$ 68,192
19 10 3. For community capacity, in 2010 Iowa Acts, chapter 1192,
19 11 section 2, subsection 4:
19 12 \$ 13,275
19 13 4. For healthy aging, in 2010 Iowa Acts, chapter 1192,
19 14 section 2, subsection 5:
19 15 \$ 403,500
19 16 5. For infectious diseases, in 2010 Iowa Acts, chapter 1192,
19 17 section 2, subsection 7:
19 18 \$ 51,688
19 19 Sec. 34. DEPARTMENT OF HUMAN SERVICES ====

19 20 APPROPRIATIONS. After applying the reductions made pursuant
19 21 to 2010 Iowa Acts, chapter 1193, section 27, and any transfers
19 22 made pursuant to 2010 Iowa Acts, chapter 1193, section 28, to
19 23 the appropriations made for the following designated purposes,
19 24 there is appropriated from the general fund of the state to the
19 25 department of human services for the fiscal year beginning July
19 26 1, 2010, and ending June 30, 2011, the following amounts, or so
19 27 much thereof as is necessary, to supplement the appropriations
19 28 made for the following designated purposes:
19 29 1. For the state mental health institute at Cherokee,
19 30 in 2010 Iowa Acts, chapter 1192, section 24, subsection 1,
19 31 paragraph "a":
19 32 \$ 784,607
19 33 2. For the state mental health institute at Clarinda,
19 34 in 2010 Iowa Acts, chapter 1192, section 24, subsection 1,
19 35 paragraph "b":



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20 1 \$ 623,793
20 2 3. For the state mental health institute at Independence,
20 3 in 2010 Iowa Acts, chapter 1192, section 24, subsection 1,
20 4 paragraph "c":
20 5 \$ 1,235,916
20 6 Sec. 35. EFFECTIVE UPON ENACTMENT. This division of this
20 7 Act, being deemed of immediate importance, takes effect upon
20 8 enactment.

20 9 DIVISION VI
20 10 CORRECTIVE PROVISIONS

20 11 Sec. 36. 2010 Iowa Acts, chapter 1193, section 199, is
20 12 amended to read as follows:

20 13 SEC. 199. TERRACE HILL ==== GENERAL FUND ==== DEPARTMENT OF
20 14 ADMINISTRATIVE SERVICES. There is appropriated from the
20 15 general fund of the state to the department of administrative
20 16 services for the fiscal year beginning July 1, ~~2009~~ 2010,
20 17 and ending June 30, ~~2010~~ 2011, the following amount, or so
20 18 much thereof as is necessary, to be used for the purposes
20 19 designated:

20 20 For salaries, support, maintenance, and miscellaneous
20 21 purposes necessary for the operation of Terrace Hill, and for
20 22 not more than the following full-time equivalent positions:
20 23 \$ 263,329
20 24 FTEs 6.38

20 25 Sec. 37. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
20 26 APPLICABILITY. This division of this Act, being deemed
20 27 of immediate importance, takes effect upon enactment. The
20 28 provision amending 2010 Iowa Acts, chapter 1193, section 199,
20 29 applies retroactively to April 29, 2010.

20 30 EXPLANATION

20 31 This bill updates Iowa Code references to the Internal
20 32 Revenue Code, provides for changes to the Iowa research
20 33 activities credit, and decouples from certain federal
20 34 depreciation provisions.

20 35 Division I of the bill updates references in Code sections



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21 1 422.3 and 422.32 to the Internal Revenue Code, making certain
21 2 federal income tax revisions enacted by Congress in 2008,
21 3 2009, and 2010 applicable for purposes of the corporate and
21 4 individual income taxes and the franchise tax. These revisions
21 5 only apply to tax years beginning on or after January 1, 2010,
21 6 and do not include tax years beginning after December 31, 2007,
21 7 and before January 1, 2010.

21 8 The division strikes Code section 422.7, subsection 29A,
21 9 which provided an exclusion from income of the value of health
21 10 care coverage of a nonqualified tax dependent up to the age
21 11 of 25. The federal Patient Protection and Affordable Care
21 12 Act, Pub. L. No. 111-148, provides for the exclusion from
21 13 income of the value of health care coverage of a nonqualified
21 14 tax dependent up to the age of 27, effective March 30, 2010.
21 15 Because the bill now couples Iowa with the Internal Revenue
21 16 Code with regard to this provision, Code section 422.7,
21 17 subsection 29A, is no longer necessary for tax years beginning
21 18 on or after January 1, 2011. This change applies retroactively
21 19 to that date.

21 20 Currently, in certain circumstances, Code section
21 21 422.9(2)(i) provides individuals a deduction from net income
21 22 (also known as a "below-the-line" deduction) for state sales
21 23 and use taxes in lieu of a deduction for income taxes. This
21 24 deduction was only available for taxable years beginning
21 25 after December 31, 2006, and before January 1, 2006. The
21 26 division extends this deduction to tax years beginning after
21 27 December 31, 2003, and before January 1, 2008, and to tax years
21 28 beginning after December 31, 2009, and before January 1, 2012.

21 29 Division II of the bill amends certain Code sections
21 30 relating to the state research activities tax credit for
21 31 individuals, corporations, corporations in economic development
21 32 areas, and corporations in quality jobs enterprise zones. The
21 33 division updates Iowa Code references to the Internal Revenue
21 34 Code for purposes of coupling with changes to the federal
21 35 research activities tax credit.



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22 1 The division also makes certain changes relating to the
22 2 alternative incremental research tax credit. Because this tax
22 3 credit was repealed for federal tax purposes, the bill removes
22 4 references to it from the Iowa Code and replaces them with
22 5 an alternative simplified research tax credit for Iowa tax
22 6 purposes. The amendments to Code section 15.335, subsection
22 7 4, and Code section 15A.9 relate to this change and apply
22 8 retroactively to July 1, 2010, for tax credits awarded on or
22 9 after that date.

22 10 The division also makes certain changes in the calculation
22 11 of the additional research activities credit that depend on
22 12 whether an eligible business has \$20 million or more in gross
22 13 revenues. These changes only apply to tax years beginning
22 14 on or after January 1, 2010, and do not include tax years
22 15 beginning after December 31, 2008, and before January 1, 2010.

22 16 Division III of the bill amends certain sections of
22 17 the individual and corporate income taxes relating to the
22 18 computation of net income for Iowa income tax purposes (also
22 19 known as "above-the-line" computation) by decoupling for tax
22 20 years beginning before January 1, 2011, from the federal
22 21 accelerated depreciation deductions enacted by Congress
22 22 as part of the Recovery Rebates and Economic Stimulus for
22 23 the American People Act of 2008, the American Recovery and
22 24 Reinvestment Act of 2009, the Small Business Jobs Act of 2010,
22 25 and the Tax Relief, Unemployment Insurance Authorization
22 26 and Job Creation Act of 2010. In addition, the division
22 27 decouples, for tax years beginning before January 1, 2011, from
22 28 the federal accelerated depreciation deductions for certain
22 29 disaster assistance property enacted by Congress as part of
22 30 the Emergency Economic Stabilization, Energy Improvement and
22 31 Extension, and Tax Extenders and AMT Relief Acts of 2008.
22 32 These changes are retroactive to January 1, 2008, for tax years
22 33 ending on or after that date.

22 34 The division also decouples, for Iowa tax purposes, from the
22 35 increased expensing allowance under section 179 of the Internal



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Senate File 209 - Introduced continued

23 1 Revenue Code enacted by Congress as part of the American
23 2 Recovery and Reinvestment Act of 2009 and makes a number of
23 3 conforming changes. The changes take effect for tax years
23 4 beginning on or after January 1, 2009, and before January 1,
23 5 2010.

23 6 Division IV of the bill increases the amount of the state
23 7 earned income tax credit from 7 percent to 10 percent of the
23 8 federal credit. The division applies retroactively to January
23 9 1, 2011, for tax years beginning on or after that date.

23 10 Division V of the bill supplements the amounts of
23 11 appropriations made to certain state agencies. Language is
23 12 included clarifying that the appropriations are made after
23 13 applying the appropriation reductions made pursuant to 2010
23 14 Iowa Acts, chapter 1193, section 27, and any transfer made
23 15 pursuant to 2010 Iowa Acts, chapter 1193, section 28.

23 16 Supplemental appropriations are made from the general
23 17 fund of the state to the department of education for the
23 18 community colleges in 2010 Iowa Acts, chapter 1183, section
23 19 6. The appropriation amounts reflect corrective additions and
23 20 reductions to the overall amounts appropriated for the fiscal
23 21 year.

23 22 Supplemental appropriations are made from the general fund
23 23 of the state for the justice system in 2010 Iowa Acts, chapter
23 24 1190, to the following departments and agencies: department
23 25 of corrections institutions and community-based corrections,
23 26 public defender, and public safety.

23 27 Supplemental appropriations are made from the general fund
23 28 of the state for health and human services programs in 2010
23 29 Iowa Acts, chapter 1192, as follows: department of public
23 30 health and department of human services.

23 31 The division takes effect upon enactment.

23 32 Division VI of the bill provides corrective provisions.

23 33 An appropriation made in 2010 Iowa Acts, chapter 1193,
23 34 commonly referred to as the standing appropriations bill, is
23 35 amended to correct the fiscal year in section 199. This fiscal



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24 1 year for this appropriation, made from the general fund of
24 2 the state to the department of administrative services for
24 3 personnel costs at Terrace Hill, is changed from fiscal year
24 4 2009=2010 to fiscal year 2010=2011.
24 5 The division is retroactively applicable to the 2010 Iowa
24 6 Act's effective date of April 29, 2010.
24 7 Divisions I, II, III, V, and VI of the bill take effect upon
24 8 enactment.
LSB 1237SV (2) 84
tw/sc



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Senate Study Bill 1104

SENATE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act delaying the establishment of the categorical state
2 percent of growth for the budget year beginning July 1,
3 2012, for purposes of the state school foundation program,
4 and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2323XC (2) 84
md/sc



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Senate Study Bill 1104 continued

PAG LIN

1 1 Section 1. CATEGORICAL ALLOWABLE GROWTH DELAY.
1 2 Notwithstanding the provision of section 257.8, subsection
1 3 2, relating to the deadline for enactment of the statute
1 4 establishing the categorical state percent of growth, the
1 5 categorical state percent of growth for the budget year
1 6 beginning July 1, 2012, shall be established by statute which
1 7 shall be enacted within thirty days of the submission of the
1 8 governor's budget under section 8.21 for the fiscal year
1 9 beginning July 1, 2012.
1 10 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 11 immediate importance, takes effect upon enactment.
1 12 EXPLANATION
1 13 This bill delays establishing the categorical state percent
1 14 of growth, also known as categorical allowable growth, for the
1 15 budget year beginning July 1, 2012, from the 2011 Legislative
1 16 Session to the 2012 Legislative Session. The bill is effective
1 17 upon enactment.
LSB 2323XC (2) 84
md/sc



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Senate Study Bill 1105

SENATE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act delaying the establishment of the state percent of
2 growth for the budget year beginning July 1, 2012, for
3 purposes of the state school foundation program, and
4 including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2324XC (2) 84
md/sc



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Senate Study Bill 1105 continued

PAG LIN

1 1 Section 1. ALLOWABLE GROWTH DELAY. Notwithstanding the
1 2 provision of section 257.8, subsection 1, relating to the
1 3 deadline for enactment of the statute establishing the state
1 4 percent of growth, the state percent of growth for the budget
1 5 year beginning July 1, 2012, shall be established by statute
1 6 which shall be enacted within thirty days of the submission of
1 7 the governor's budget under section 8.21 for the fiscal year
1 8 beginning July 1, 2012.

1 9 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 10 immediate importance, takes effect upon enactment.

1 11 EXPLANATION

1 12 This bill delays establishing the state percent of growth,
1 13 also known as allowable growth, for the budget year beginning
1 14 July 1, 2012, from the 2011 Legislative Session to the 2012
1 15 Legislative Session. The bill is effective upon enactment.

LSB 2324XC (2) 84

md/sc



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Senate Study Bill 1106

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF EDUCATION/COLLEGE
STUDENT AID COMMISSION
BILL)

A BILL FOR

1 An Act relating to oversight functions performed by the college
2 student aid commission regarding certain restrictions and
3 requirements for schools offering postsecondary educational
4 programs, establishing a fund, providing for fees, and
5 making penalties applicable.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1344DP (8) 84
je/sc



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Senate Study Bill 1106 continued

PAG LIN

1 1 Section 1. Section 261B.8, subsection 3, Code 2011, is
1 2 amended to read as follows:

1 3 3. a. A postsecondary registration fund is created in
1 4 the state treasury under the control of the commission. Fees
1 5 collected under this section shall be deposited in the
1 6 general postsecondary registration fund of the state and are
1 7 appropriated to the commission for purposes of administering
1 8 this chapter.

1 9 b. The moneys credited to the postsecondary registration
1 10 fund are not subject to section 8.33, and moneys in the fund
1 11 shall not be transferred, used, obligated, appropriated,
1 12 or otherwise encumbered except as provided by law.
1 13 Notwithstanding section 12C.7, subsection 2, interest or
1 14 earnings on moneys deposited in the postsecondary registration
1 15 fund shall be credited to the fund.

1 16 Sec. 2. Section 714.17, Code 2011, is amended to read as
1 17 follows:

1 18 714.17 Unlawful advertising and selling of educational
1 19 courses of instruction.

1 20 It shall be unlawful for any person, firm, association,
1 21 or corporation maintaining, advertising, or conducting in
1 22 Iowa any educational course of instruction for profit, or
1 23 for tuition charge, whether by classroom instructions, ~~or~~ by
1 24 correspondence, or by other delivery method to:

1 25 1. Falsely advertise or represent to any person any matter
1 26 material to ~~such an educational course of instruction~~. All
1 27 advertising of such courses ~~of instruction~~ shall adhere to and
1 28 comply with the rules and regulations of the federal trade
1 29 commission as of ~~July 4, 1965~~ July 1, 2010.

1 30 2. Collect tuition or other charges in excess of one hundred
1 31 fifty dollars in the case of educational courses offered by
1 32 correspondence courses of study, in advance of the receipt and
1 33 approval by the pupil of the first assignment or lesson of such
1 34 course. Any contract providing for advance payment of more
1 35 than one hundred fifty dollars shall be voidable on the part of



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2 1 the pupil or any person liable for the tuition provided for in
2 2 the contract.

2 3 3. Promise or guarantee employment utilizing information,
2 4 training, or skill purported to be provided or otherwise
2 5 enhanced by ~~a~~ an educational course, unless the promisor or
2 6 guarantor offers the student or prospective student a bona
2 7 fide contract of employment agreeing to employ said student
2 8 or prospective student for a period of not less than one
2 9 hundred twenty days in a business or other enterprise regularly
2 10 conducted by the promisor or guarantor and in which such
2 11 information, training, or skill is a normal condition of
2 12 employment.

2 13 Sec. 3. Section 714.18, subsection 1, Code 2011, is amended
2 14 to read as follows:

2 15 1. Except as otherwise provided in subsection 2, every
2 16 person, firm, association, or corporation maintaining or
2 17 conducting in Iowa any ~~such educational course of instruction~~
2 18 by classroom instruction or by correspondence or ~~by~~ other
2 19 ~~distance~~ delivery method, or soliciting in Iowa the sale of
2 20 such course, shall file with the college student aid commission
2 21 all of the following:

2 22 a. A continuous corporate surety bond to the state of
2 23 Iowa in the sum of fifty thousand dollars conditioned ~~for~~
2 24 on the faithful performance of all contracts and agreements
2 25 with students made by such person, firm, association, or
2 26 corporation, or their salespersons; but the aggregate liability
2 27 of the surety for all breaches of the conditions of the bond
2 28 shall not exceed the sum of the bond. The surety on the bond
2 29 may cancel the bond upon giving thirty days' written notice
2 30 to the college student aid commission and thereafter shall be
2 31 relieved of liability for any breach of condition occurring
2 32 after the effective date of the cancellation.

2 33 b. A statement designating a resident agent for the purpose
2 34 of receiving service in civil actions. In the absence of such
2 35 designation, service may be had upon the secretary of state if



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3 1 service cannot otherwise be made in this state.

3 2 c. A copy of any catalog, prospectus, brochure, or other
3 3 advertising material intended for distribution in Iowa.

3 4 Such material shall state the cost of the educational course
3 5 offered, the schedule of tuition refunds for portions of the
3 6 educational course not completed, and if no refunds are to
3 7 be paid, the material shall so state. Any contract induced
3 8 by advertising materials not previously filed as provided in
3 9 this chapter shall be voidable on the part of the pupil or any
3 10 person liable for the tuition provided for in the contract.

3 11 Sec. 4. Section 714.18, subsection 2, paragraph a,
3 12 subparagraphs (1) and (4), Code 2011, are amended to read as
3 13 follows:

3 14 (1) A continuous corporate surety bond to the state of
3 15 Iowa in the sum of fifty thousand dollars or ten percent
3 16 of the total annual tuition collected, whichever is less,
3 17 conditioned ~~for~~ on the faithful performance of all contracts
3 18 and agreements with students made by such school. A school
3 19 desiring to file a surety bond based on a percentage of annual
3 20 tuition shall provide to the college student aid commission, in
3 21 the form prescribed by the commission, a notarized statement
3 22 attesting to the total amount of tuition collected in the
3 23 preceding twelve-month period. The commission shall determine
3 24 the sufficiency of the statement and the amount of the bond.
3 25 Tuition information submitted pursuant to this subparagraph
3 26 shall be kept confidential.

3 27 (4) The college student aid commission may accept a letter
3 28 of credit ~~from~~ issued by a bank in lieu of and for the amount
3 29 of the corporate surety bond required by this paragraph
~~3 30 "a" subparagraphs (1) through (3), as applicable.~~

3 31 Sec. 5. Section 714.19, subsections 6 through 8, Code 2011,
3 32 are amended to read as follows:

3 33 6. Schools and educational programs conducted by firms,
3 34 corporations, or persons ~~for the training of their own~~
~~3 35 employees,~~ for which no fee is charged.



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4 1 7. Seminars, refresher courses, and schools of instruction
4 2 ~~sponsored~~ conducted by professional, business, or farming
4 3 organizations or associations for the members and employees of
4 4 members of such organizations or associations. A person who
4 5 provides instruction under this subsection who is not a member
4 6 or an employee of a member of the organization or association
4 7 shall not be eligible for this exemption.
4 8 8. Private business schools accredited by ~~the accrediting~~
~~4 9 commission for business schools or an acknowledged~~ accrediting
4 10 agency recognized by the United States department of education
4 11 or the council for higher education accreditation.
4 12 Sec. 6. Section 714.19, Code 2011, is amended by adding the
4 13 following new subsection:
4 14 NEW SUBSECTION. 10. Private, nonprofit schools that are
4 15 eligible for state student financial aid programs authorized
4 16 under chapter 261.
4 17 Sec. 7. Section 714.22, Code 2011, is amended to read as
4 18 follows:
4 19 714.22 Trade and vocational schools ==== exemption ====
4 20 conditions.
4 21 1. For the purposes of this section, a "trade or vocational
4 22 school" means one which provides a postsecondary educational
4 23 course that prepares a student for employment in a recognized
4 24 occupation.
4 25 2. a. The provisions of sections ~~714.17~~ 714.18 through
4 26 714.21 shall not apply to trade or vocational schools if they
4 27 meet either of the following conditions:
4 28 ~~1. (1) File a bond or a bond is filed on their behalf by~~
4 29 ~~a parent corporation with the college student aid commission~~
4 30 ~~as required by section 714.18.~~
4 31 ~~2. (2) File an annual sworn statement, or such statement is~~
~~4 32 filed on their behalf by a parent corporation, certified by a~~
~~4 33 certified public accountant, showing all assets and liabilities~~
~~4 34 of the trade or vocational school and the assets of any parent~~
~~4 35 corporation. The statement shall show the trade or vocational~~



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5 1 school's net worth, or the net worth of the school's parent
5 2 corporation, ~~to be~~ is not less than five times the amount of
5 3 the bond required by section 714.18. The trade or vocational
5 4 school shall file with the college student aid commission an
5 5 annual sworn statement, or such statement shall be filed on
5 6 the school's behalf by a parent corporation, certified by a
5 7 certified public accountant, showing all assets and liabilities
5 8 of the trade or vocational school and the assets of any parent
5 9 corporation. If a parent corporation files the statement or
5 10 its net worth is included in the statement to comply with this
5 11 subsection, the parent corporation shall appoint a registered
5 12 agent and otherwise is subject to section 714.18, subsection
5 13 1, paragraph "b", and is liable for the breach of any contract
5 14 or agreement with students as well as liable for any fraud in
5 15 connection with the contract or agreement or for any violation
5 16 of section 714.16 by the trade or vocational school or any of
5 17 its agents or salespersons.

5 18 b. For the purposes of this subsection, the net worth of a
5 19 trade or vocational school or the school's parent corporation,
5 20 as applicable, shall be determined by the amount the school's
5 21 or parent corporation's assets exceed its liabilities as shown
5 22 in the sworn statement required to be filed pursuant to this
5 23 subsection.

5 24 Sec. 8. Section 714.23, Code 2011, is amended by adding the
5 25 following new subsection:

5 26 NEW SUBSECTION. 0A. a. For the purposes of this section
5 27 and section 714.25, "postsecondary educational program" means
5 28 a series of postsecondary educational courses that lead to
5 29 a recognized educational credential such as an academic or
5 30 professional degree, diploma, or license.

5 31 b. For the purposes of this section, "school period" means
5 32 the course, term, payment period, postsecondary educational
5 33 program, or other period for which the school assessed tuition
5 34 charges to the student. A school that assesses tuition charges
5 35 to the student at the beginning of each course, term, payment



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6 1 period, or other period that is shorter than the postsecondary
6 2 educational program's length shall base its tuition refund on
6 3 the amount of tuition costs the school charged for the course,
6 4 term, or other period in which the student terminated. A
6 5 school shall not base its tuition refund calculation on any
6 6 portion of a postsecondary educational program that remains
6 7 after a student terminates unless the student was charged for
6 8 that remaining portion of the postsecondary educational program
6 9 before the student's termination.

6 10 Sec. 9. Section 714.23, subsections 1 through 5, Code 2011,
6 11 are amended to read as follows:

6 12 1. A person offering a ~~course of instruction at the~~
~~6 13 postsecondary level postsecondary educational program, for~~
6 14 profit, that is more than four months in length and leads
6 15 to a ~~degree, diploma, or license~~ recognized educational
6 16 credential, shall make a pro rata refund of ~~no less than~~
~~6 17 ninety percent of the tuition for charges to a terminating~~
6 18 student to the appropriate agency based upon in an amount
6 19 that is not less than ninety percent of the amount of tuition
6 20 charged to the student multiplied by the ratio of ~~completed~~
~~6 21 number of scheduled school days to the number of calendar days~~
6 22 remaining in the school period until the date equivalent to the
6 23 completion of sixty percent of the scheduled school calendar
6 24 days of in the school term or course period.

6 25 2. Notwithstanding the provisions of subsection 1, the
6 26 following tuition refund policy shall apply:

6 27 a. If a terminating student has completed sixty percent or
6 28 more of a school ~~term or course that is more than four months in~~
~~6 29 length period~~, the person offering ~~the course of instruction a~~
6 30 postsecondary educational program that is more than four months
6 31 in length is not required to refund tuition for charges to the
6 32 student. However, if, at any time, a student terminates a
6 33 school term or course postsecondary educational program that is
6 34 more than four months in length due to the student's physical
6 35 incapacity or due to the transfer of the student's spouse's



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7 1 employment to another city, the terminating student shall
7 2 receive a refund of tuition charges in an amount ~~which~~ that
7 3 equals the amount of tuition charged to the student multiplied
7 4 by the ratio of the remaining number of ~~school~~ calendar days in
7 5 the school period to the total ~~school~~ number of calendar days
7 6 ~~of in the school term or course period.~~
7 7 b. ~~A refund of ninety percent of the tuition for a~~
7 8 ~~terminating student shall be paid to the appropriate agency~~
7 9 ~~based upon the ratio of completed number of school days to the~~
7 10 ~~total school days of the school term or course. A school shall~~
7 11 ~~provide to a terminating student a refund of tuition charges~~
7 12 ~~in an amount that is not less than ninety percent of the amount~~
7 13 ~~of tuition charged to the student multiplied by the ratio of~~
7 14 ~~the remaining number of calendar days in the school period~~
7 15 ~~to the total number of calendar days in the school period.~~
7 16 This paragraph "b" applies to those persons offering ~~courses~~
7 17 ~~of instruction at the postsecondary level a postsecondary~~
7 18 ~~educational program of more than four months in length, for~~
7 19 ~~profit, whose cohort default rate for students under the~~
7 20 ~~Stafford loan program as defined reported by the United States~~
7 21 ~~department of education for the most recent federal fiscal year~~
7 22 ~~is more than one hundred ten percent of the national average~~
7 23 ~~cohort default rate for that program for that period the same~~
7 24 ~~federal fiscal year or six percent, whichever is higher.~~
7 25 3. ~~If the financial obligations of a student are for three~~
7 26 ~~or fewer months duration, this section does not apply. In the~~
7 27 ~~case of a program in which student progress is measured only in~~
7 28 ~~clock hours, all occurrences of calendar days in subsections 1~~
7 29 ~~and 2 shall be replaced with scheduled clock hours.~~
7 30 4. ~~Refunds~~ A refund of tuition charges shall be ~~paid~~
7 31 ~~provided to the appropriate agency~~ student within thirty days
7 32 following the student's termination from a postsecondary
7 33 educational program.
7 34 5. A student who terminates a ~~course of instruction or~~
7 35 ~~term~~ postsecondary educational program shall not be charged



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8 1 any fee or other monetary penalty for terminating ~~a course of~~
~~8 2 instruction or term~~ the postsecondary educational program,
8 3 other than a reduction in tuition refund as specified in this
8 4 section.

8 5 Sec. 10. NEW SECTION. 714.24 Additional requirements.

8 6 1. A required filing of evidence of financial
8 7 responsibility pursuant to section 714.18 or 714.22 must be
8 8 completed at least once every two years.

8 9 2. A filing of a claim for an exemption pursuant to section
8 10 714.19 must be completed at least once every two years.

8 11 3. An entity that claims an exemption under section 714.19
8 12 must file evidence of financial responsibility pursuant to
8 13 section 714.18 or 714.22 within two business days following
8 14 the date upon which conditions that qualify the entity for an
8 15 exemption under section 714.19 no longer exist.

8 16 4. An entity that is required to file evidence of financial
8 17 responsibility under section 714.18 or 714.22, or an entity
8 18 that files a claim of exemption under section 714.19, shall
8 19 utilize required forms approved and supplied by the commission.

8 20 5. a. The commission shall set by rule and collect
8 21 a nonrefundable fee from each entity that files with the
8 22 commission under section 714.18, 714.19, or 714.22.

8 23 b. Fees collected under paragraph "a" shall be deposited
8 24 into the postsecondary registration fund created under chapter
8 25 261B and are appropriated to the commission for purposes of
8 26 administering sections 714.18 through 714.25.

8 27 6. The commission and the attorney general may,
8 28 individually or jointly, adopt rules pursuant to chapter 17A
8 29 for the implementation of sections 714.18 through 714.25.

8 30 Sec. 11. Section 714.25, Code 2011, is amended to read as
8 31 follows:

8 32 714.25 Disclosure.

8 33 1. For purposes of this ~~chapter section, unless the~~
~~8 34 context otherwise requires,~~ "proprietary school" means a person
8 35 offering a ~~course of instruction at the postsecondary level~~



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- ~~9 1~~ postsecondary educational program, for profit, that is more
9 2 than four months in length and leads to a ~~degree, diploma, or~~
~~9 3 license recognized educational credential, such as an academic~~
9 4 or professional degree, diploma, or license.
- 9 5 2. A proprietary school shall, prior to the time a student
9 6 is obligated for payment of any moneys, inform the student, the
9 7 college student aid commission, and in the case of a school
9 8 licensed under section 157.8, the board of cosmetology arts
9 9 and sciences or in the case of a school licensed under section
9 10 158.7, the board of barbering, of all of the following:
- 9 11 a. ~~The total cost of the course of instruction postsecondary~~
9 12 educational program as charged by the proprietary school.
- 9 13 b. An estimate of any fees which may be charged the
9 14 student by others which would be required if the student is
9 15 to successfully complete the course postsecondary educational
9 16 program and, ~~if applicable,~~ obtain a ~~degree, diploma, or~~
~~9 17 license recognized educational credential.~~
- 9 18 c. The percentage of students who successfully complete
9 19 the course postsecondary educational program, the percentage
9 20 who terminate prior to completing the course postsecondary
9 21 educational program, and the period of time upon which the
9 22 proprietary school has based these percentages. The reporting
9 23 period shall not be less than one year in length and shall not
9 24 extend more than five years into the past.
- 9 25 d. If claims are made by the proprietary school as to
9 26 successful placement of students in jobs upon completion of the
9 27 ~~course of study~~ proprietary school's postsecondary educational
9 28 programs, the proprietary school shall provide the student with
9 29 all of the following:
- 9 30 (1) The percentage of graduating students who were placed
9 31 in jobs in fields related to the ~~course of instruction~~
~~9 32 postsecondary educational programs.~~
- 9 33 (2) The percentage of graduating students who went on to
9 34 further education immediately upon graduation.
- 9 35 (3) The percentage of students who, ninety days after



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10 1 graduation, were without a job and had not gone on to further
10 2 education.

10 3 (4) The period of time upon which the reports required by
10 4 paragraphs "a" through "c" were based. The reporting period
10 5 shall not be less than one year in length and shall not extend
10 6 more than five years into the past.

10 7 e. If claims are made by the proprietary school as to income
10 8 levels of students who have graduated and are working in fields
10 9 related to the proprietary school's ~~course of instruction~~
~~10 10 postsecondary educational programs~~, the proprietary school
10 11 shall inform the student of the method used to derive such
10 12 information.

10 13 Sec. 12. Section 714.25, Code 2011, is amended by adding the
10 14 following new subsection:

10 15 NEW SUBSECTION. 3. The requirements of subsection 2 shall
10 16 not apply to a proprietary school that is eligible for federal
10 17 student financial aid under Tit. IV of the federal Higher
10 18 Education Act of 1965, as amended.

10 19 EXPLANATION

10 20 This bill makes various changes relating to the college
10 21 student aid commission's oversight functions over the
10 22 advertising, financial responsibility, tuition refund, and
10 23 disclosure requirements and restrictions governing certain
10 24 educational programs and courses, creates a fund, and provides
10 25 for fees.

10 26 The bill establishes a postsecondary registration fund
10 27 comprised of the filing fees collected by the college student
10 28 aid commission. The moneys in the fund are appropriated to the
10 29 commission for purposes of administering Code chapter 261B,
10 30 relating to postsecondary school registration.

10 31 The bill amends Code section 714.19, relating to the
10 32 nonapplicability of Code sections 714.17 to 714.22, governing
10 33 business and financial practices of sellers of educational
10 34 courses, to provide that instructors for courses conducted
10 35 by professional, business, or farming organizations or



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11 1 associations for the members and employees of members of such
11 2 entities who are not members or employees of members themselves
11 3 are ineligible for exemption from Code sections 714.17 to
11 4 714.22. The bill specifies accreditation standards for private
11 5 business schools exempt from Code sections 714.17 to 714.22.
11 6 The bill creates a new exemption from Code sections 714.17
11 7 to 714.22 for private, nonprofit schools eligible for state
11 8 student financial aid programs authorized under Code chapter
11 9 261.

11 10 The bill amends Code section 714.23 to remove the exemption
11 11 for students with financial obligations of three or fewer
11 12 months' duration from standards regarding tuition refund
11 13 policies. The bill provides for the inclusion of educational
11 14 programs in which student progress is measured only in clock
11 15 hours under standards regarding tuition refund policies. The
11 16 bill also provides that certain tuition refunds must be paid
11 17 directly to students. A violation of Code section 714.23 is a
11 18 simple misdemeanor, which is punishable by confinement for not
11 19 more than 30 days or a fine of at least \$65 but not more than
11 20 \$625 or by both.

11 21 The bill provides that the commission may collect
11 22 nonrefundable fees for the filing of evidence of financial
11 23 responsibility and claims for exemption relating to the
11 24 commission's oversight functions under Code chapter 714. The
11 25 bill specifies that such fees must be deposited into the
11 26 postsecondary registration fund created under Code chapter
11 27 261B and are appropriated to the commission for purposes of
11 28 administering the commission's oversight functions under Code
11 29 chapter 714.

11 30 The bill amends Code section 714.25 to exempt from certain
11 31 disclosure requirements proprietary schools, as defined in the
11 32 bill, that are eligible for federal student financial aid under
11 33 Tit. IV of the Higher Education Act of 1965.

11 34 The bill provides that the commission and the attorney
11 35 general may, individually or jointly, adopt rules pursuant



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12 1 to Code chapter 17A to carry out the commission's oversight
12 2 functions under Code chapter 714.
12 3 Finally, the bill makes changes to terminology,
12 4 demonstration of compliance, and exemptions relating to the
12 5 commission's oversight functions under Code chapter 714.
LSB 1344DP (8) 84
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Senate Study Bill 1107

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF EDUCATION BILL)

A BILL FOR

1 An Act relating to school instructional hours and school
2 instructional days and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1346XD (7) 84
kh/nh



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1 1 Section 1. Section 256.7, subsection 19, Code 2011, is
1 2 amended to read as follows:
1 3 19. Define ~~the minimum school day as a day consisting~~
1 4 ~~of five and one-half hours of instructional time for grades~~
1 5 ~~one through twelve. The minimum hours as time spent with a~~
1 6 ~~licensed teacher that shall be exclusive of the lunch period~~
1 7 ~~and parent=teacher conferences, but may include passing time~~
1 8 ~~between classes. Time spent on parent=teacher conferences~~
1 9 ~~shall be considered instructional time. A school or school~~
1 10 ~~district may record a day of school with less than the minimum~~
1 11 ~~instructional hours as a minimum school day if any of the~~
1 12 ~~following apply:~~
1 13 a. ~~If emergency health or safety factors require the late~~
1 14 ~~arrival or early dismissal of students on a specific day.~~
1 15 b. ~~If the total hours of instructional school time for~~
1 16 ~~grades one through twelve for any five consecutive school days~~
1 17 ~~equal a minimum of twenty-seven and one-half hours, even though~~
1 18 ~~any one day of school is less than the minimum instructional~~
1 19 ~~hours because of a staff development opportunity provided for~~
1 20 ~~the professional instructional staff or because parent=teacher~~
1 21 ~~conferences have been scheduled beyond the regular school day.~~
1 22 ~~Furthermore, if the total hours of instructional time for the~~
1 23 ~~first four consecutive days equal at least twenty-seven and~~
1 24 ~~one-half hours because parent=teacher conferences have been~~
1 25 ~~scheduled beyond the regular school day, a school or school~~
1 26 ~~district may record zero hours of instructional time on the~~
1 27 ~~fifth consecutive school day as a minimum school day.~~
1 28 Sec. 2. Section 256F.4, subsection 5, Code 2011, is amended
1 29 to read as follows:
1 30 5. A charter school or innovation zone school shall provide
1 31 instruction for at least the number of ~~days~~ hours required by
1 32 section 279.10, subsection 1, ~~or shall provide at least the~~
1 33 ~~equivalent number of total hours.~~
1 34 Sec. 3. Section 279.10, Code 2011, is amended to read as
1 35 follows:



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2 1 279.10 School year ==== ~~beginning date~~ instructional hours ====

2 2 exceptions ~~==== pilot programs.~~

2 3 ~~1.~~ The school year for each school district and accredited

2 4 nonpublic school shall begin on ~~the first day of July 1 and~~

2 5 ~~each regularly established elementary and secondary school~~

2 6 ~~shall begin no sooner than a day during the calendar week~~

2 7 ~~in which the first day of September falls but no later than~~

2 8 ~~the first Monday in December. However, if the first day of~~

2 9 ~~September falls on a Sunday, school may begin on a day during~~

2 10 ~~the calendar week which immediately precedes the first day of~~

2 11 ~~September. School shall continue for at least one hundred~~

2 12 ~~eighty days, except as provided in subsection 3, and may be~~

2 13 ~~maintained end on June 30 and each school calendar shall~~

2 14 include not less than one thousand one hundred seventy hours of

2 15 instruction during the entire calendar year. However, if The

2 16 board of directors of a school district and the authorities in

2 17 charge of an accredited nonpublic school shall set the number

2 18 of days of required attendance for the school year as provided

2 19 in section 299.1, subsection 2, but the board of directors of

2 20 a school district shall hold a public hearing on any proposed

2 21 school calendar prior to adopting the school calendar. If the

2 22 board of directors of a district or the authorities in charge

2 23 of an accredited nonpublic school extends the school calendar

2 24 because inclement weather caused the school district or

2 25 accredited nonpublic school to temporarily close school during

2 26 the regular school calendar, the school district or accredited

2 27 nonpublic school may excuse a graduating senior who has met

2 28 district or school requirements for graduation from attendance

2 29 during the extended school calendar. A school corporation

2 30 may begin employment of personnel for in-service training and

2 31 development purposes before the date to begin elementary and

2 32 secondary school July 1.

2 33 ~~2.~~ The board of directors shall hold a public hearing on any

2 34 ~~proposal prior to submitting it to the department of education~~

2 35 ~~for approval.~~



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3 1 ~~3. The board of directors of a school district may request~~
3 2 ~~approval from the department of education for a pilot program~~
3 3 ~~for an innovative school year. The number of days per year~~
3 4 ~~that school is in session may be more or less than those~~
3 5 ~~specified in subsection 1, but the innovative school year shall~~
3 6 ~~provide for an equivalent number of total hours that school is~~
3 7 ~~in session.~~

3 8 ~~a. The board shall file a request for approval with the~~
3 9 ~~department not later than November 1 of the preceding school~~
3 10 ~~year. The request shall include a listing of the savings and~~
3 11 ~~goals to be attained under the innovative school year subject~~
3 12 ~~to rules adopted by the department under chapter 17A. The~~
3 13 ~~department shall notify the districts of the approval or denial~~
3 14 ~~of pilot programs not later than the next following January 15.~~

3 15 ~~b. A request to continue an innovative school year pilot~~
3 16 ~~project after its initial year also shall include an evaluation~~
3 17 ~~of the savings and impacts on the educational program in the~~
3 18 ~~district.~~

3 19 ~~c. Participation in a pilot project shall not modify~~
3 20 ~~provisions of a master contract negotiated between a school~~
3 21 ~~district and a certified bargaining unit pursuant to chapter~~
3 22 ~~20 unless mutually agreed upon.~~

3 23 ~~4. The director of the department of education may~~
3 24 ~~grant a request made by a board of directors of a school~~
3 25 ~~district stating its desire to commence classes for regularly~~
3 26 ~~established elementary and secondary schools prior to the~~
3 27 ~~earliest starting date specified in subsection 1. A request~~
3 28 ~~shall be based upon the determination that a starting date on~~
3 29 ~~or after the earliest starting date specified in subsection 1~~
3 30 ~~would have a significant negative educational impact.~~

3 31 Sec. 4. Section 299.4, subsection 1, Code 2011, is amended
3 32 to read as follows:

3 33 1. The parent, guardian, or legal custodian of a child who
3 34 is of compulsory attendance age, who places the child under
3 35 competent private instruction under either section 299A.2 or



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4 1 299A.3, not in an accredited school or a home school assistance
4 2 program operated by a school district or accredited nonpublic
4 3 school, shall furnish a report in duplicate on forms provided
4 4 by the public school district, to the district by ~~the earliest~~
~~4 5 starting date specified in section 279.10, subsection 1 July 1~~
4 6 of the school year in which the child will be under competent
4 7 private instruction. The secretary shall retain and file
4 8 one copy and forward the other copy to the district's area
4 9 education agency. The report shall state the name and age of
4 10 the child, the period of time during which the child has been
4 11 or will be under competent private instruction for the year,
4 12 an outline of the course of study, texts used, and the name
4 13 and address of the instructor. The parent, guardian, or legal
4 14 custodian of a child, who is placing the child under competent
4 15 private instruction for the first time, shall also provide the
4 16 district with evidence that the child has had the immunizations
4 17 required under section 139A.8, and, if the child is elementary
4 18 school age, a blood lead test in accordance with section
4 19 135.105D. The term "outline of course of study" shall include
4 20 subjects covered, lesson plans, and time spent on the areas of
4 21 study.

4 22 Sec. 5. REPEAL. Sections 256.20 and 256.22, Code 2011, are
4 23 repealed.

4 24 Sec. 6. REPEAL. Section 257.17, Code 2011, is repealed.

4 25 Sec. 7. EFFECTIVE DATE. This Act takes effect July 1, 2012.

4 26 EXPLANATION

4 27 This bill strikes language requiring accredited schools
4 28 to provide at least 180 instructional days in a school year
4 29 beginning no sooner than a day during the calendar week in
4 30 which the first day of September falls but no later than the
4 31 first Monday in December, and specifying what does and what
4 32 does not constitute instructional time. The bill replaces the
4 33 language requiring a 180-day school calendar with a requirement
4 34 that accredited schools provide at least 1,170 instructional
4 35 hours during the school calendar in a school year that begins



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5 1 July 1 and ends June 30.

5 2 The school districts and accredited nonpublic schools set
5 3 the number of days of required attendance for the school year,
5 4 but school districts must hold a public hearing on a proposed
5 5 school calendar prior to adopting the school calendar.

5 6 The bill modifies a provision requiring the state board
5 7 of education to define the minimum school day. Under the
5 8 bill, instructional time for grades 1 through 12, is still
5 9 exclusive of the lunch period and may include passing time
5 10 between classes, but parent=teacher conferences do not qualify
5 11 as instructional time. The bill strikes language that permits
5 12 a school or school district to record a day of school with
5 13 less than the minimum instructional hours as a minimum school
5 14 day for emergency health or safety factors and for staff
5 15 development opportunities.

5 16 The bill makes conforming changes and strikes or repeals
5 17 language that permits the department of education to approve
5 18 an innovative school year pilot program, permits the director
5 19 of the department to grant a waiver to allow schools to start
5 20 prior to the school calendar earliest start date, permits the
5 21 state board of education to approve year around school pilot
5 22 projects, requires the department to establish an extended year
5 23 school grant program subject to an appropriation, and penalizes
5 24 school districts that have not received a waiver for beginning
5 25 school before the earliest start date allowed.

LSB 1346XD (7) 84

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Senate Study Bill 1108

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF EDUCATION BILL)

A BILL FOR

1 An Act relating to the duties and operations of the department
2 of education, the school budget review committee, and local
3 school boards and including effective date and applicability
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1327XD (10) 84

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1 1 Section 1. Section 256.5A, Code 2011, is amended to read as
1 2 follows:

1 3 256.5A Nonvoting member.

1 4 1. The governor shall appoint the one nonvoting student
1 5 member of the state board for a term of ~~one year~~ two years
1 6 beginning and ending as provided in section 69.19. The
1 7 nonvoting student member shall be appointed from a list of
1 8 names submitted by the state board of education. Students
1 9 enrolled in ~~either~~ grade ten ~~or eleven~~ in a public school
1 10 may apply to the state board to serve as a nonvoting student
1 11 member.

1 12 2. The department shall develop an application process that
1 13 requires the consent of the student's parent or guardian if
1 14 the student is a minor, initial application approval by the
1 15 school district in which the student applicant is enrolled, and
1 16 submission of approved applications by a school district to the
1 17 department.

1 18 3. The nonvoting student member's school district of
1 19 enrollment shall notify the student's parents if the student's
1 20 grade point average falls during the period in which the
1 21 student is a member of the state board.

1 22 4. The state board shall adopt rules under chapter 17A
1 23 specifying criteria for the selection of applicants whose names
1 24 shall be submitted to the governor. Criteria shall include,
1 25 but are not limited to, academic excellence, participation
1 26 in extracurricular and community activities, and interest in
1 27 serving on the board. Rules adopted by the state board shall
1 28 also require, if the student is a minor, supervision of the
1 29 student by the student's parent or guardian while the student
1 30 is engaged in authorized state board business at a location
1 31 other than the community in which the student resides, unless
1 32 the student's parent or guardian submits to the state board a
1 33 signed release indicating the parent or guardian has determined
1 34 that supervision of the student by the parent or guardian is
1 35 unnecessary.



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2 1 5. The nonvoting student member appointment is not subject
2 2 to section 69.16 or 69.16A.

2 3 6. The nonvoting student member shall have been enrolled
2 4 in a public school in Iowa for at least one year prior to the
2 5 member's appointment. ~~A nonvoting student member who will not~~
~~2 6 graduate from high school prior to the end of a second term may~~
~~2 7 apply to the state board for submission of candidacy to the~~
~~2 8 governor for a second one-year term.~~

2 9 7. A nonvoting student member shall be paid a per diem as
2 10 provided in section 7E.6 and the student and the student's
2 11 parent or guardian shall be reimbursed for actual and necessary
2 12 expenses incurred in the performance of the student's duties as
2 13 a nonvoting member of the state board.

2 14 8. A vacancy in the membership of the nonvoting student
2 15 member shall not be filled until the expiration of the term.

2 16 Sec. 2. Section 256.9, subsections 26 and 27, Code 2011, are
2 17 amended by striking the subsections.

2 18 Sec. 3. Section 256.9, subsection 53, paragraph a, Code
2 19 2011, is amended to read as follows:

2 20 a. Develop and distribute, in collaboration with the area
2 21 education agencies, core curriculum technical assistance
2 22 and implementation strategies that school districts and
2 23 accredited nonpublic schools shall utilize, including but
2 24 not limited to the development and delivery of formative and
2 25 ~~end-of-course~~ model end-of-course and additional assessments
2 26 classroom teachers may use to measure student progress
2 27 on the core curriculum adopted pursuant to section 256.7,
2 28 subsection 26. The department shall, in collaboration with the
2 29 advisory group convened in accordance with paragraph "b" and
2 30 educational assessment providers, identify and make available
2 31 to school districts model end-of-course ~~and additional model~~
~~2 32 end-of-course~~ and additional assessments to align with the
2 33 expectations included in the Iowa core curriculum. The model
2 34 assessments shall be suitable to meet the multiple assessment
2 35 measures requirement specified in section 256.7, subsection 21,



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3 1 paragraph "c".

3 2 Sec. 4. Section 256.10, subsection 2, Code 2011, is amended
3 3 to read as follows:

3 4 2. Appointments to the professional staff of the department
3 5 shall be without reference to political party affiliation,
3 6 religious affiliation, sex, or marital status, but shall be
3 7 based solely upon fitness, ability, and proper qualifications
3 8 for the particular position. The professional staff shall
3 9 serve at the discretion of the director. A member of the
3 10 professional staff shall not be dismissed for cause without
3 11 appropriate due process procedures including a hearing an
3 12 opportunity to meet with the director.

3 13 Sec. 5. Section 256.30, Code 2011, is amended to read as
3 14 follows:

3 15 256.30 Educational expenses for American Indians.

3 16 1. The department of education shall provide moneys to pay
3 17 the expense of educating American Indian children residing in
3 18 the Sac and Fox Indian settlement on land held in trust by
3 19 the secretary of the interior of the United States in excess
3 20 of federal moneys paid to the tribal council for educating
3 21 the American Indian children when moneys are appropriated for
3 22 that purpose. ~~The tribal council shall administer the moneys~~
~~3 23 distributed to it by the department and shall submit an annual~~
~~3 24 report and other reports as required by the department to the~~
~~3 25 department on the expenditure of the moneys.~~

3 26 2. The tribal council shall administer moneys distributed
3 27 to it by the department of education as provided in subsection

3 28 1. The tribal council shall first use the moneys distributed
~~3 29 to it by the department of education~~ for the purposes of this
3 30 section to pay the additional costs of salaries for licensed
3 31 instructional staff for educational attainment and full-time
3 32 equivalent years of experience to equal the salaries listed on
3 33 the proposed salary schedule for the school at the Sac and Fox
3 34 Indian settlement for that school year, but the salary for a
3 35 licensed instructional staff member employed on a full-time



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4 1 basis shall not be less than eighteen thousand dollars.

4 2 3. The department of management shall approve allotments

4 3 of moneys appropriated ~~in~~ for purposes of this section ~~when~~

~~4 4 the department of education certifies to the department of~~

~~4 5 management that the requirements of this section have been met.~~

4 6 Sec. 6. Section 257.6, subsection 1, paragraph a,

4 7 subparagraph (3), Code 2011, is amended to read as follows:

4 8 (3) Shared=time and part=time pupils of school age enrolled

4 9 in public schools within the district, irrespective of the

4 10 districts in which the pupils reside, in the proportion that

4 11 the time for which they are enrolled or receive instruction for

4 12 the school year is to the time that full=time pupils carrying

4 13 a normal course schedule, at the same grade level, in the

4 14 same school district, for the same school year, are enrolled

4 15 and receive instruction. Tuition charges to the parent or

4 16 guardian of a shared=time or part=time nonresident pupil shall

4 17 be reduced by the amount of any increased state aid received by

4 18 the district by the counting of the pupil. This subparagraph

4 19 applies to pupils enrolled in grades nine through twelve under

4 20 section 299A.8 and to pupils from accredited nonpublic schools

4 21 accessing classes or services on the accredited nonpublic

4 22 school premises or the school district site, but excludes

4 23 accredited nonpublic school pupils receiving classes or

4 24 services funded by federal grants or allocations.

4 25 Sec. 7. Section 257.30, subsection 1, Code 2011, is amended

4 26 to read as follows:

4 27 1. A school budget review committee is established in the

4 28 department of education and consists of the director of the

4 29 department of education in an ex officio, nonvoting capacity,

4 30 the director of the department of management, and four members

4 31 who are knowledgeable in the areas of Iowa school finance or

4 32 public finance issues appointed by the governor to represent

4 33 the public. At least one of the public members shall possess a

4 34 master's or doctoral degree in which areas of school finance,

4 35 economics, or statistics are an integral component, or shall



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5 1 have equivalent experience in an executive administrative
5 2 or senior research position in the education or public
5 3 administration field. The members appointed by the governor
5 4 shall serve staggered ~~three-year~~ four-year terms beginning
5 5 and ending as provided in section 69.19 and are subject to
5 6 senate confirmation as provided in section 2.32. The committee
5 7 shall meet and hold hearings each year and shall continue in
5 8 session until it has reviewed budgets of school districts, as
5 9 provided in section 257.31. The committee may call in school
5 10 board members and employees as necessary for the hearings.
5 11 The committee's scheduled hearing agendas and the minutes of
5 12 such hearings shall be posted on the department of education's
5 13 internet site. Legislators shall be notified of hearings
5 14 concerning school districts in their legislative districts.
5 15 Sec. 8. Section 257.31, subsection 2, Code 2011, is amended
5 16 to read as follows:
5 17 2. The committee shall specify the number of hearings held
5 18 annually, ~~the reasons for the committee's recommendations, a~~
5 19 summary of decisions, information about the amounts of property
5 20 tax levied by school districts for a cash reserve, and other
5 21 information the committee deems advisable on the department of
5 22 education's internet ~~website~~ site.
5 23 Sec. 9. Section 257.37, subsection 4, Code 2011, is amended
5 24 to read as follows:
5 25 4. "Enrollment served" means the basic enrollment plus the
5 26 number of nonpublic school pupils served with media services
5 27 or educational services, as applicable, except that if a
5 28 nonpublic school pupil or a pupil attending another district
5 29 under a whole grade sharing agreement or open enrollment
5 30 receives services through an area other than the area of the
5 31 pupil's residence, the pupil shall be deemed to be served by
5 32 the area of the pupil's residence, which shall by contractual
5 33 arrangement reimburse the area through which the pupil actually
5 34 receives services. Each school district shall include in
5 35 the enrollment report submitted pursuant to section 257.6,



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6 1 subsection 1, the number of nonpublic school pupils within each
6 2 school district for media and educational services served by
6 3 the area. However, the school district shall not include in
6 4 the enrollment report nonpublic school pupils receiving classes
6 5 or services funded by federal grants or allocations.

6 6 Sec. 10. Section 257.40, subsection 1, Code 2011, is amended
6 7 to read as follows:

6 8 1. The board of directors of a school district requesting
6 9 to use modified allowable growth for programs for returning
6 10 dropouts and dropout prevention shall submit requests for
6 11 modified ~~at-risk~~ allowable growth, including budget costs,
6 12 to the department of education not later than December 15 of
6 13 the year preceding the budget year during which the program
6 14 will be offered. The department shall review the request
6 15 and shall prior to January 15 either grant approval for the
6 16 request for the program or return the request for approval to
6 17 the school district with comments of the department included.

6 18 An unapproved request for a program may be resubmitted with
6 19 modifications to the department not later than February 1.
6 20 Not later than February 15, the department shall notify the
6 21 department of management and the school budget review committee
6 22 of the names of the school districts for which programs using
6 23 modified allowable growth for funding have been approved and
6 24 the approved budget of each program listed separately for each
6 25 school district having an approved request.

6 26 Sec. 11. Section 257.41, Code 2011, is amended to read as
6 27 follows:

6 28 257.41 Funding for programs for returning dropouts and
6 29 dropout prevention.

6 30 The budget of an approved program for returning dropouts and
6 31 dropout prevention for a school district, after subtracting
6 32 funds received from other sources for that purpose, shall be
6 33 funded annually on a basis of one-fourth or more from the
6 34 district cost of the school district and up to three-fourths
6 35 by an increase in allowable growth as defined in section



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7 1 257.8. Annually, the ~~department of management~~ school budget
7 2 review committee shall establish a modified allowable growth
7 3 for each such school district equal to the difference between
7 4 the approved budget for the program for returning dropouts and
7 5 dropout prevention for that district and the sum of the amount
7 6 funded from the district cost of the school district plus funds
7 7 received from other sources.

7 8 Sec. 12. Section 259A.1, Code 2011, is amended to read as
7 9 follows:

7 10 259A.1 Tests.

7 11 The department of education shall cause to be made
7 12 available for qualified individuals a high school equivalency
7 13 diploma. The diploma shall be issued on the basis of
7 14 satisfactory competence as shown by tests covering all of the
7 15 following: ~~reading, arts, language arts, writing~~ language
7 16 arts=reading, language arts=writing, mathematics, science, and
7 17 social studies.

7 18 Sec. 13. Section 273.3, subsection 12, Code 2011, is amended
7 19 to read as follows:

7 20 12. Prepare an annual budget estimating income and
7 21 expenditures for programs and services as provided in sections
7 22 273.1 to 273.9 and chapter 256B within the limits of funds
7 23 provided under section 256B.9 and chapter 257. The board
7 24 shall give notice of a public hearing on the proposed budget
7 25 by publication in an official county newspaper in each county
7 26 in the territory of the area education agency in which the
7 27 principal place of business of a school district that is a part
7 28 of the area education agency is located. The notice shall
7 29 specify the date, which shall be not later than March 1 of
7 30 each year, the time, and the location of the public hearing.
7 31 The proposed budget as approved by the board shall then be
7 32 submitted to the state board of education, on forms provided
7 33 by the department, no later than March 15 preceding the
7 34 next fiscal year for approval. The state board shall review
7 35 the proposed budget of each area education agency and shall



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8 1 before ~~April~~ May 1, either grant approval or return the budget
8 2 without approval with comments of the state board included. An
8 3 unapproved budget shall be resubmitted to the state board for
8 4 final approval not later than ~~April~~ May 15. ~~For the fiscal~~
~~8 5 year beginning July 1, 1999, and each succeeding fiscal year,~~
~~8 6 the~~ The state board shall give final approval only to budgets
8 7 submitted by area education agencies accredited by the state
8 8 board or that have been given conditional accreditation by the
8 9 state board.
8 10 Sec. 14. Section 273.23, subsection 5, Code 2011, is amended
8 11 to read as follows:
8 12 5. The initial board, or new board if established in time
8 13 under subsection 3, of the newly formed agency shall prepare an
8 14 annual budget estimating income and expenditures for programs
8 15 and services as provided in sections 273.1 through 273.9
8 16 and chapter 256B within the limits of funds provided under
8 17 section 256B.9 and chapter 257. The board shall give notice
8 18 of a public hearing on the proposed budget by publication in
8 19 an official county newspaper in each county in the territory
8 20 of the area education agency in which the principal place
8 21 of business of a school district that is a part of the area
8 22 education agency is located. The notice shall specify the
8 23 date, which shall not be later than March 1, the time, and
8 24 the location of the public hearing. The proposed budget as
8 25 approved by the board shall be submitted to the state board,
8 26 on forms provided by the department, no later than March 15
8 27 for approval. The state board shall review the proposed
8 28 budget of the newly formed area education agency and shall,
8 29 before ~~April~~ May 1, either grant approval or return the budget
8 30 without approval with comments of the state board included. An
8 31 unapproved budget shall be resubmitted to the state board for
8 32 final approval not later than ~~April~~ May 15. The state board
8 33 shall give final approval only to budgets submitted by area
8 34 education agencies accredited by the state board or that have
8 35 been given conditional accreditation by the state board.



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9 1 Sec. 15. Section 275.23A, subsection 2, Code 2011, is
9 2 amended to read as follows:
9 3 2. Following each federal decennial census the school
9 4 board shall determine whether the existing director district
9 5 boundaries meet the standards in subsection 1 according to the
9 6 most recent federal decennial census.
9 7 a. In addition to the authority granted to voters to change
9 8 the number of directors or method of election as provided in
9 9 sections 275.35, 275.36, and 278.1, the board of directors of
9 10 a school district may, following a federal decennial census,
9 11 by resolution and in accordance with this section, authorize
9 12 a change in the method of election as set forth in section
9 13 275.12, subsection 2, or a change to either five or seven
9 14 directors after the board conducts a hearing on the resolution.
9 15 (1) If the board proposes to change the number of directors
9 16 from seven to five directors, the resolution shall include a
9 17 plan for reducing the number of directors.
9 18 (2) If the board proposes to increase the number of
9 19 directors to seven directors, two directors shall be added
9 20 according to the procedure described in section 277.23,
9 21 subsection 2.
9 22 b. If necessary, the board of directors shall redraw
9 23 the director district boundaries. The director district
9 24 boundaries shall be described in the resolution adopted by
9 25 the school board. The resolution shall be adopted no earlier
9 26 than November 15 of the second year immediately following the
9 27 year in which the federal decennial census is taken nor later
9 28 than May 15 of the ~~second~~ third year immediately following
9 29 the year in which the federal decennial census is taken.
9 30 A copy of the plan shall be filed with the area education
9 31 agency administrator of the area education agency in which the
9 32 school's electors reside. If the board does not provide for
9 33 an election as provided in sections 275.35, 275.36, and 278.1
9 34 and adopts a resolution to change the number of directors or
9 35 method of election in accordance with this subsection, the



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10 1 district shall change the number of directors or method of
10 2 election as provided unless, within twenty=eight days following
10 3 the action of the board, the secretary of the board receives a
10 4 petition containing the required number of signatures, asking
10 5 that an election be called to approve or disapprove the action
10 6 of the board in adopting the resolution. The petition must be
10 7 signed by eligible electors equal in number to not less than
10 8 one hundred or thirty percent of the number of voters at the
10 9 last preceding regular school election, whichever is greater.
10 10 The board shall either rescind its action or direct the
10 11 county commissioner of elections to submit the question to the
10 12 registered voters of the school district at an election held
10 13 on a date specified in section 39.2, subsection 4, paragraph
10 14 "c". If a majority of those voting on the question at the
10 15 election favors disapproval of the action of the board, the
10 16 district shall not change the number of directors or method of
10 17 election. If a majority of those voting on the question does
10 18 not favor disapproval of the action, the board shall certify
10 19 the results of the election to the department of management and
10 20 the district shall change the number of directors or method of
10 21 election as provided in this subsection. At the expiration of
10 22 the twenty=eight=day period, if no petition is filed, the board
10 23 shall certify its action to the department of management and
10 24 the district shall change the number of directors or method of
10 25 election as provided in this subsection.
10 26 Sec. 16. Section 278.1, subsection 1, paragraph e, Code
10 27 2011, is amended to read as follows:
10 28 e. Direct the transfer of any surplus in the debt service
10 29 fund, physical plant and equipment levy fund, or other capital
10 30 projects funds, or public education and recreation levy fund to
10 31 the general fund.
10 32 Sec. 17. Section 279.30, Code 2011, is amended to read as
10 33 follows:
10 34 279.30 Exceptions.
10 35 Each payment must be made payable to the person entitled to



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11 1 receive the money or deposited directly into an account at a
11 2 financial institution, as defined in section 527.2, specified
11 3 by the person entitled to receive the money. The board of
11 4 directors of a school district or an area education agency may
11 5 by resolution authorize the secretary, upon approval of the
11 6 superintendent or designee, or administrator, in the case of
11 7 an area education agency, to issue payments when the board
11 8 of directors is not in session in payment of reasonable and
11 9 necessary expenses, but only upon verified bills filed with the
11 10 secretary or administrator, and for the payment of salaries
11 11 pursuant to the terms of a written contract. Each payment
11 12 must be made payable only to the person performing the service
11 13 or presenting the verified bill, and must state the purpose
11 14 for which the payment is issued. All bills and salaries for
11 15 which payments are issued prior to audit and allowance by the
11 16 board must be passed upon by the board of directors at the next
11 17 meeting and be entered in the regular minutes of the secretary.

11 18 Sec. 18. Section 279.42, Code 2011, is amended to read as
11 19 follows:

11 20 279.42 Gifts to schools.

11 21 The board of directors of a school district ~~which that~~
11 22 receives funds through ~~gifts, devises, and bequests~~ a gift,
11 23 devise, or bequest shall deposit ~~these~~ the funds in a trust
11 24 and, permanent, or agency fund and shall use ~~them~~ the funds in
11 25 accordance with the terms of the gift, devise, or bequest.

11 26 Sec. 19. Section 279.45, Code 2011, is amended to read as
11 27 follows:

11 28 279.45 Administrative expenditures.

11 29 ~~For the budget year beginning July 1, 1989, and each of~~
~~11 30 the following three budget years, the board of directors of a~~
~~11 31 school district in which the~~ The administrative expenditures
11 32 as a percent of ~~the~~ a school district's ~~operating~~ general fund
11 33 for a base year shall not exceed five percent, ~~shall reduce its~~
~~11 34 administrative expenditures so that they are one-half percent~~
~~11 35 less as a percent of the school district's operating fund than~~



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~~12 1 they were for the base year. However, a school district is~~
~~12 2 not required to reduce its administrative expenditures below~~
~~12 3 five percent of its operating fund. Thereafter, a school~~
~~12 4 district shall not increase the percent of its administrative~~
~~12 5 expenditures compared to its operating fund. Annually,~~
12 6 the board of directors shall certify to the department of
12 7 education the amounts of the school district's administrative
12 8 expenditures and its ~~operating~~ general fund. For the purposes
12 9 of this section, "base year" ~~and "budget year" mean means~~
12 10 the same as defined in ~~section 442.6, Code 1989, and section~~
12 11 257.2, and "administrative expenditures" means expenditures for
12 12 executive administration.

12 13 Sec. 20. Section 282.9, subsection 1, Code 2011, is amended
12 14 to read as follows:

12 15 1. Notwithstanding this chapter and sections 275.55A~~7~~ and
12 16 256F.4, and ~~282.18~~, or any other provision to the contrary,
12 17 prior to knowingly enrolling an individual who is required
12 18 to register as a sex offender under chapter 692A, but who is
12 19 otherwise eligible to enroll in a public school, the board of
12 20 directors of a school district shall determine the educational
12 21 placement of the individual. Upon receipt of notice that a
12 22 student who is enrolled in the district is required to register
12 23 as a sex offender under chapter 692A, the board shall determine
12 24 the educational placement of the student. The tentative agenda
12 25 for the meeting of the board of directors at which the board
12 26 will consider such enrollment or educational placement shall
12 27 specifically state that the board is considering the enrollment
12 28 or educational placement of an individual who is required
12 29 to register as a sex offender under chapter 692A. If the
12 30 individual is denied enrollment in a school district under this
12 31 section, the school district of residence shall provide the
12 32 individual with educational services in an alternative setting.

12 33 Sec. 21. Section 282.10, subsection 4, Code 2011, is amended
12 34 to read as follows:

12 35 4. A whole grade sharing agreement shall be signed by the



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13 1 boards of the districts involved in the agreement not later
13 2 than February 1 of the school year preceding the school year
13 3 for which the agreement is to take effect. The boards of
13 4 the districts shall negotiate as part of the new or existing
13 5 agreement the disposition of ~~teacher quality~~ funding provided
13 6 under chapter 284.

13 7 Sec. 22. Section 282.18, subsection 4, Code 2011, is amended
13 8 by adding the following new paragraph:

13 9 NEW PARAGRAPH. 0c. If a request for transfer is submitted
13 10 to the receiving district after March 1 of the preceding
13 11 school year on behalf of a pupil whose sibling is already
13 12 participating in open enrollment, the receiving district shall
13 13 take action to approve the request.

13 14 Sec. 23. Section 282.18, subsection 5, Code 2011, is amended
13 15 to read as follows:

13 16 5. Open enrollment applications filed after March 1 of
13 17 the preceding school year that do not qualify for ~~good cause~~
~~13 18 approval~~ as provided in subsection 4 shall be subject to the
13 19 approval of the board of the resident district and the board
13 20 of the receiving district. The parent or guardian shall send
13 21 notification to the district of residence and the receiving
13 22 district that the parent or guardian seeks to enroll the
13 23 parent's or guardian's child in the receiving district. A
13 24 decision of either board to deny an application filed under
13 25 this subsection involving repeated acts of harassment of the
13 26 student or serious health condition of the student that the
13 27 resident district cannot adequately address is subject to
13 28 appeal under section 290.1. The state board shall exercise
13 29 broad discretion to achieve just and equitable results that are
13 30 in the best interest of the affected child or children.

13 31 Sec. 24. Section 284.10, subsection 2, Code 2011, is amended
13 32 to read as follows:

13 33 2. An administrator licensed under chapter 272 who conducts
13 34 evaluations of teachers for purposes of this chapter shall
13 35 complete the evaluator training program. A practitioner



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14 1 licensed under chapter 272 who is not an administrator
14 2 may enroll in the evaluator training program. Enrollment
14 3 preference shall be given to administrators and to other
14 4 practitioners who are not beginning teachers. Upon successful
14 5 completion, the provider shall certify that the administrator
14 6 or other practitioner is qualified to conduct evaluations
14 7 for employment, make recommendations for licensure, and make
14 8 recommendations that a teacher is qualified to advance from one
14 9 career path level to the next career path level pursuant to
14 10 this chapter. Certification is for a period of five years and
14 11 may be renewed.

14 12 Sec. 25. Section 291.1, Code 2011, is amended to read as
14 13 follows:

14 14 291.1 President ==== duties.

14 15 The president of the board of directors shall preside at
14 16 all of its meetings, sign all contracts made by the board, and
14 17 appear ~~in~~ on behalf of the corporation in all actions brought
14 18 by or against it, unless individually a party, in which case
14 19 this duty shall be performed by the secretary. The president
14 20 or the president's designee shall sign, using an original or
14 21 facsimile signature, all school district ~~warrants~~ payments
14 22 drawn and authorize electronic funds transfers as provided by
14 23 law. The board of directors, by resolution, may designate an
14 24 individual, who shall not be the secretary, to sign ~~warrants~~
~~14 25 payments or authorize electronic funds transfers~~ on behalf of
14 26 the president.

14 27 Sec. 26. Section 291.6, subsection 3, Code 2011, is amended
14 28 by striking the subsection and inserting in lieu thereof the
14 29 following:

14 30 3. Accounting records. Keep an accurate accounting record
14 31 of each payment or electronic funds transfer from each fund
14 32 which shall be provided monthly to the board of directors. The
14 33 secretary of the creditor district shall prepare and deliver to
14 34 debtor districts an itemized statement of tuition fees charged
14 35 in accordance with sections 275.55A and 282.11, and section



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15 1 282.24, subsection 1.
15 2 Sec. 27. Section 291.6, subsection 4, Code 2011, is amended
15 3 to read as follows:
15 4 4. Claims. Keep an accurate ~~account~~ accounting of all
15 5 expenses incurred by the corporation, and present the same to
15 6 the board for audit and payment.
15 7 Sec. 28. Section 291.7, Code 2011, is amended to read as
15 8 follows:
15 9 291.7 Monthly receipts, disbursements, and balances.
15 10 The secretary of each district shall file monthly with the
15 11 board of directors a complete statement of all receipts and
15 12 disbursements from ~~the various funds~~ each individual fund
15 13 during the preceding month, and also the balance remaining on
15 14 hand in ~~the various funds~~ each individual fund at the close of
15 15 the period covered by the statement, which monthly statements
15 16 shall be open to public inspection.
15 17 Sec. 29. Section 291.8, Code 2011, is amended by striking
15 18 the section and inserting in lieu thereof the following:
15 19 291.8 Payments.
15 20 The secretary shall make each authorized payment,
15 21 countersign using an original or facsimile signature, and
15 22 maintain accounting records of the payments or electronic funds
15 23 transfers, showing the number, date, payee, originating fund,
15 24 the purpose, and the amount, and shall provide to the board at
15 25 each regular annual meeting a copy of the accounting records
15 26 maintained by the secretary.
15 27 Sec. 30. Section 291.12, Code 2011, is amended to read as
15 28 follows:
15 29 291.12 Duties of treasurer ==== ~~payment of warrants~~ payments.
15 30 The treasurer shall receive all moneys belonging to the
15 31 corporation, pay the same out only upon the order of the
15 32 president countersigned by the secretary, ~~keeping~~ and shall
15 33 keep an accurate account accounting record of all receipts
15 34 and expenditures in a book provided for that purpose. The
15 35 treasurer shall register all ~~orders drawn~~ payments and



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16 1 electronic funds transfers made and reported to the treasurer
16 2 by the secretary, showing the number, date, to whom drawn, the
16 3 fund ~~upon~~ from which drawn each payment and transfer was made,
16 4 the purpose and amount.

16 5 Sec. 31. Section 291.14, Code 2011, is amended to read as
16 6 follows:

16 7 291.14 Financial statement.

16 8 The treasurer shall render a statement of the finances of the
16 9 corporation whenever required by the board, and the treasurer's
16 10 ~~books~~ accounting records shall always be open for inspection.

16 11 Sec. 32. Section 298.2, subsection 5, paragraph a, Code
16 12 2011, is amended to read as follows:

16 13 a. The proposition to levy the voter=approved physical
16 14 plant and equipment levy is not affected by a change in
16 15 the boundaries of the school district, except as otherwise
16 16 provided in this section. If each school district involved
16 17 in a school reorganization under chapter 275 has adopted
16 18 the voter=approved physical plant and equipment levy ~~or the~~
~~16 19 sixty-seven and one-half cents per thousand dollars of assessed~~
~~16 20 value schoolhouse levy under section 278.1, subsection 7,~~
~~16 21 Code 1989, prior to July 1, 1991,~~ and if the voters have not
16 22 voted upon the proposition to levy the voter=approved physical
16 23 plant and equipment levy in the reorganized district, the
16 24 existing voter=approved physical plant and equipment levy or
16 25 the existing schoolhouse levy, as applicable, is in effect for
16 26 the reorganized district for the least amount and the shortest
16 27 time for which it is in effect in any of the districts.

16 28 Sec. 33. Section 298.2, subsection 6, Code 2011, is amended
16 29 by striking the subsection.

16 30 Sec. 34. Section 298A.4, Code 2011, is amended to read as
16 31 follows:

16 32 298A.4 Physical plant and equipment levy fund.

16 33 The physical plant and equipment levy fund is a ~~special~~
~~16 34 revenue capital projects~~ fund. A physical plant and equipment
16 35 levy fund must be established in any school corporation which



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17 1 levies the tax authorized, whether regular or voter=approved,
17 2 under section 298.2.
17 3 Sec. 35. Section 298A.9, Code 2011, is amended to read as
17 4 follows:
17 5 298A.9 Capital project funds.
17 6 A capital project fund must be established in any school
17 7 corporation which issues bonds or other authorized indebtedness
17 8 for capital projects or which initiates a capital project, or
17 9 which receives grants or other funds for capital projects.
17 10 Boards are authorized to establish more than one capital
17 11 project fund as necessary. Any balance remaining in a capital
17 12 project fund after the capital project is completed may be
17 13 retained for future capital projects in accordance with the
17 14 original purpose of the bond issue or voter=approved levy; or
17 15 may be transferred, by board resolution, to the debt service
17 16 fund, to the physical plant and equipment levy fund or another
17 17 capital project fund, or ~~other~~ to the fund from which the
17 18 surplus originated; or transferred to the general fund in
17 19 accordance with section 278.1, subsection 1, paragraph "e".
17 20 Sec. 36. Section 298A.13, Code 2011, is amended to read as
17 21 follows:
17 22 298A.13 Trust, permanent, or agency funds.
17 23 Trust, permanent, or agency funds shall be established by
17 24 any school corporation to account for gifts it receives to
17 25 be used for a particular purpose or to account for money and
17 26 property received and administered by the district as trustee
17 27 or custodian or in the capacity of an agent. Boards may
17 28 establish trust ~~and~~, permanent, or agency funds as necessary.
17 29 Sec. 37. Section 299A.11, Code 2011, is amended to read as
17 30 follows:
17 31 299A.11 Student records confidential.
17 32 Notwithstanding any provision of law or rule to the
17 33 contrary, personal information in records regarding a child
17 34 receiving competent private instruction pursuant to this
17 35 chapter, which are maintained, created, collected, or assembled



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18 1 by or for a state agency, shall be kept confidential in
18 2 the same manner as personal information in student records
18 3 maintained, created, collected, or assembled by or for a school
18 4 corporation or educational institution in accordance with
18 5 section 22.7, subsection 1. For purposes of this section,
18 6 "personal information in records regarding a child receiving
18 7 competent private instruction" shall include the child's
18 8 name and home address as well as all other information that
18 9 personally identifies the child.

18 10 Sec. 38. Section 423F.3, subsection 1, paragraph d, Code
18 11 2011, is amended by striking the paragraph.

18 12 Sec. 39. REPEAL. Sections 256.20 and 256.23, Code 2011,
18 13 are repealed.

18 14 Sec. 40. REPEAL. Section 297.35, Code 2011, is repealed.

18 15 Sec. 41. REPEAL. Section 298A.5, Code 2011, is repealed.

18 16 Sec. 42. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. The
18 17 section of this Act amending section 257.30, being deemed of
18 18 immediate importance, takes effect upon enactment and applies
18 19 to the school budget review committee member terms that begin
18 20 on or after May 1, 2011.

18 21 EXPLANATION

18 22 This bill makes miscellaneous changes to Code provisions
18 23 relating to education as follows:

18 24 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section
18 25 256.5A is amended to increase the term of the nonvoting student
18 26 member of the state board of education from one year to two
18 27 years, and provides that the student must be enrolled in grade
18 28 10 when applying for the appointment. Currently, a student may
18 29 be enrolled in grade 10 or 11 at the time the student applies.

18 30 SCHOOL LAW PRINTING REQUIREMENT. Code section 256.9,
18 31 subsections 26 and 27, are stricken. The provisions require
18 32 the director of the department of education to cause to
18 33 be printed in book form, every four years since 1987, all
18 34 school laws, and changes to school laws, with forms, rulings,
18 35 decisions, notes, and suggestions which may aid school officers



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19 1 in the proper discharge of their duties. The book must be
19 2 furnished to school and area officers and administrators,
19 3 members of the general assembly, and others as reasonably
19 4 requested.

19 5 EMPLOYMENT PRACTICES. Code section 256.10, subsection 2, is
19 6 amended by striking a provision that prohibits the dismissal
19 7 of a member of the professional staff for cause without
19 8 appropriate due process procedures, but adds that the person
19 9 must not be dismissed without an opportunity to meet with the
19 10 director of education.

19 11 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30
19 12 provides for the distribution and administration of moneys
19 13 in excess of federal moneys to pay the expense of educating
19 14 American Indian children residing in the Sac and Fox Indian
19 15 settlement. The bill eliminates language that requires the
19 16 tribal council to submit an annual report to the department of
19 17 education accounting for expenditure of the moneys and requires
19 18 the department of education to certify compliance before the
19 19 department of management can approve allotment of the moneys.

19 20 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section
19 21 257.6 is amended to specify that accredited nonpublic school
19 22 pupils receiving classes or services funded by federal grants
19 23 or allocations shall not be counted in a school district's
19 24 enrollment as shared-time or part-time pupils. The bill makes
19 25 a conforming change to Code section 257.37, subsection 4.

19 26 SCHOOL BUDGET REVIEW COMMITTEE (SBRC) MEMBER TERMS. Code
19 27 section 257.30, subsection 1, is amended to increase the length
19 28 of the terms served by members of the SBRC from three years to
19 29 four years. This provision takes effect upon enactment and
19 30 applies to SBRC member terms that begin on or after May 1,
19 31 2011.

19 32 SBRC INTERNET SITE INFORMATION. Code section 257.31,
19 33 subsection 2, is amended to eliminate a requirement that the
19 34 school budget review committee specify on its internet site
19 35 annually the reasons for its recommendations, and instead



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20 1 require that it specify a summary of decisions. The reference
20 2 to recommendations was tied to a requirement that the committee
20 3 report to the general assembly any recommended changes in laws
20 4 relating to school districts, but that requirement was stricken
20 5 by legislation enacted in 2009.

20 6 REDISTRICTING FOLLOWING FEDERAL DECENNIAL CENSUS. Code
20 7 section 275.23A is amended to move the dates back by which a
20 8 resolution describing new director district boundaries must be
20 9 adopted by the school board if the school board redraws its
20 10 director district boundaries following the federal decennial
20 11 census. Currently, the resolution can be adopted no earlier
20 12 than November 15 of the year immediately following the year
20 13 in which the federal decennial census is taken nor later than
20 14 May 15 of the second year immediately following the year in
20 15 which the federal decennial census is taken. The bill moves
20 16 the timelines to no sooner than November 15 of the second year
20 17 following the federal decennial census and no later than May 15
20 18 of the third year following the federal decennial census.

20 19 MODIFIED ALLOWABLE GROWTH ESTABLISHED BY SBRC. Code section
20 20 257.40, subsection 1, is amended to eliminate reference to
20 21 "at=risk" within the term "modified at=risk allowable growth"
20 22 and to provide that the requests for additional allowable
20 23 growth for programs for returning dropouts and dropout
20 24 prevention, which are submitted to the department by school
20 25 districts, must be either approved by the department or
20 26 returned unapproved to the school district with comments from
20 27 the department. Code section 257.41 is amended to provide
20 28 that the SBRC, rather than the department of management, is
20 29 responsible for establishing a modified allowable growth for
20 30 such programs.

20 31 AEA BUDGET DEADLINES. Code sections 273.3 and 273.23 are
20 32 amended to extend the dates by which area education agency
20 33 proposed budgets must be reviewed, approved, or returned by the
20 34 state board and resubmitted to the state board if the first
20 35 submission is not approved.



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21 1 FUNDING MEDIA AND EDUCATIONAL SERVICES. Code section
21 2 257.37, subsection 4, which requires school districts to
21 3 include in their enrollment reports the number of nonpublic
21 4 school pupils within each school district for media and
21 5 educational services provided through the area educational
21 6 agencies, is amended to prohibit school districts from
21 7 including in the enrollment report nonpublic school pupils
21 8 receiving classes or services funded by federal grants or
21 9 allocations.

21 10 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section
21 11 279.30 is amended to allow the board of directors of a
21 12 school district or of an AEA to direct deposit a payment at a
21 13 financial institution specified by the person entitled to the
21 14 money. Code section 291.1; Code section 291.6, subsections
21 15 3 and 4; and Code sections 291.7, 291.8, 291.12, and 291.14
21 16 are amended to replace references to "books", "registers",
21 17 and "warrants" with references to payments, electronic funds
21 18 transfers, and accounting records and to make related changes.

21 19 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13 are
21 20 amended to give school districts the option of establishing a
21 21 permanent fund for gifts received and to allow school districts
21 22 to deposit funds received from gifts, devises, and bequests
21 23 into a trust, permanent, or agency fund.

21 24 SCHOOL DISTRICT ADMINISTRATIVE EXPENDITURES. Code section
21 25 279.45 is amended to modify outdated language related
21 26 to a requirement that a school district limit its annual
21 27 administrative expenses to not more than 5 percent of its
21 28 general fund for a base year and to replace references to the
21 29 term "operating fund" with "general fund".

21 30 ENROLLMENT OF PERSON LISTED ON SEX OFFENDER REGISTRY.
21 31 Code section 282.9, subsection 1, is amended to notwithstand
21 32 Code chapter 282, relating to school attendance and tuition,
21 33 rather than notwithstanding only Code section 282.18, the
21 34 Code section relating to open enrollment. The language of
21 35 Code section 282.9, subsection 1, provides that prior to



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22 1 knowingly enrolling a student who is required to register as
22 2 a sex offender, the school district's board of directors must
22 3 determine the educational placement of the individual and place
22 4 notice of that consideration on the board's tentative meeting
22 5 agenda. If the board denies enrollment to the individual, the
22 6 school district of residence must provide the individual with
22 7 educational services in an alternative setting.
22 8 WHOLE GRADE SHARING AGREEMENTS. Code section 282.10,
22 9 subsection 4, is amended to provide that the boards of
22 10 directors of school districts must negotiate the disposition of
22 11 any funding provided under Code chapter 284, not solely teacher
22 12 quality funding.
22 13 OPEN ENROLLMENT BY SIBLING. Code section 282.18, subsection
22 14 4, is amended to require that a receiving district approve
22 15 a transfer request submitted after March 1 of the preceding
22 16 school year if the sibling of the pupil for whom the request
22 17 is made is already participating in open enrollment to the
22 18 receiving district. The bill makes a conforming change to Code
22 19 section 282.18, subsection 5.
22 20 EVALUATOR TRAINING PROGRAM. Code section 284.10, subsection
22 21 2, is amended to give program enrollment preference to other
22 22 practitioners who are not beginning teachers. Currently, only
22 23 school administrators are given preference.
22 24 PHYSICAL PLANT AND EQUIPMENT LEVY. Code section 298A.4
22 25 is amended to describe the physical plant and equipment levy
22 26 fund as a "capital projects fund", rather than a "special
22 27 revenue fund". Corresponding changes are made to Code sections
22 28 278.1(1)(e), 298.2(5)(a), and 298A.9, while Code sections
22 29 423F.3(1)(d) and 298.2(6) are stricken, and Code section 297.35
22 30 is repealed.
22 31 COMPETENT PRIVATE INSTRUCTION RECORDS. Code section 299A.11
22 32 is amended to provide that "personal information in records
22 33 regarding a child receiving competent private instruction"
22 34 includes the child's name and home address, and any other
22 35 information that personally identifies the child.



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23 1 CODE CORRECTIONS. The bill makes corrections to Code
23 2 section 256.9 to change references to model end=of=course
23 3 assessments and to Code section 259A.1 to change references to
23 4 subjects covered by high school equivalency diploma tests.
23 5 CODE SECTIONS REPEALED. The bill repeals the following:
23 6 1. Code section 256.20, which permits school districts to
23 7 request approval from the state board of education for a pilot
23 8 project for a year=around three=semester school year.
23 9 2. Code section 256.23, which establishes a recruitment and
23 10 advancement program to provide for the allocation of grants
23 11 to school corporations for pilot projects that encourage
23 12 the advancement of women and minorities to administrative
23 13 positions.
23 14 3. Code section 298A.5, which provides that the schoolhouse
23 15 tax levy fund is a special revenue fund and requires school
23 16 corporations to establish the schoolhouse tax levy fund if it
23 17 levies the tax authorized by Code section 278.1, subsection 7,
23 18 Code 1989.

LSB 1327XD (10) 84

kh/sc



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Senate Study Bill 1109

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF EDUCATION BILL)

A BILL FOR

1 An Act relating to the duties and operations of the state's
2 community colleges.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1220XD (8) 84
kh/sc



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PAG LIN

1 1 Section 1. Section 8A.318, subsection 3, paragraph c, Code
1 2 2011, is amended to read as follows:

1 3 c. A school district, community college, or institution
1 4 under the control of the state board of regents may, based upon
1 5 the evaluation and assessment conducted pursuant to paragraph
1 6 "b", opt out of compliance with the requirements of this section
1 7 upon the affirmative vote of a majority of the members of the
1 8 board of directors of the school district or a determination by
1 9 the president of the community college or by the president or
1 10 administrative officer of the regents institution. A school
1 11 district, community college, or regents institution opting
1 12 out of compliance pursuant to this paragraph shall notify the
1 13 department of education, the state board ~~for community colleges~~
1 14 ~~of education~~, or the state board of regents, ~~respectively as~~
1 15 ~~appropriate~~, of this decision.

1 16 Sec. 2. Section 16.162, Code 2011, is amended to read as
1 17 follows:

1 18 16.162 Authority to issue community college dormitory bonds
1 19 and notes.

1 20 The authority shall assist a community college or the state
1 21 board ~~for community colleges~~ of education as provided in
1 22 chapter 260C, and the authority shall have all of the powers
1 23 delegated to it in a chapter 28E agreement by a community
1 24 college board of directors, the state board ~~for community~~
1 25 ~~colleges~~ of education, or a private developer contracting with
1 26 a community college to develop a housing facility, such as
1 27 a dormitory, for the community college, with respect to the
1 28 issuance or securing of bonds or notes as provided in sections
1 29 260C.71 and 260C.72.

1 30 Sec. 3. Section 22.7, subsection 1, Code 2011, is amended
1 31 to read as follows:

1 32 1. Personal information in records regarding a student,
1 33 prospective student, or former student maintained, created,
1 34 collected or assembled by or for a school corporation or
1 35 educational institution maintaining such records. This



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Senate Study Bill 1109 continued

2 1 subsection shall not be construed to prohibit a postsecondary
2 2 education institution from disclosing to a parent or guardian
2 3 information regarding a violation of a federal, state, or
2 4 local law, or institutional rule or policy governing the use
2 5 or possession of alcohol or a controlled substance if the
2 6 child is under the age of twenty-one years and the institution
2 7 determines that the student committed a disciplinary violation
2 8 with respect to the use or possession of alcohol or a
2 9 controlled substance regardless of whether that information is
2 10 contained in the student's education records. This subsection
2 11 shall not be construed to prohibit a school corporation or
2 12 educational institution from transferring student records
2 13 electronically to the department of education, an accredited
2 14 nonpublic school, an attendance center, a school district, or
2 15 an accredited postsecondary institution in accordance with
2 16 section 256.9, subsection 47.
2 17 Sec. 4. Section 256.7, subsection 14, Code 2011, is amended
2 18 to read as follows:
2 19 14. ~~Adopt rules which require~~ Require each community
2 20 college which establishes a new jobs training project or
2 21 projects and receives funds derived from or associated with
2 22 the project or projects to establish a separate account to act
2 23 as a repository for any funds received ~~and to report annually,~~
2 24 ~~by January 15, to the general assembly on funds received and~~
2 25 ~~disbursed during the preceding fiscal year in the form required~~
2 26 ~~by the department.~~
2 27 Sec. 5. Section 256.7, subsection 23, Code 2011, is amended
2 28 to read as follows:
2 29 23. Adopt rules directing the community colleges to
2 30 annually and uniformly submit data from the most recent fiscal
2 31 year to the division of community colleges and workforce
2 32 preparation, using criteria determined and prescribed by the
2 33 division via the management information system.
2 34 a. Financial data submitted to the division by a community
2 35 college shall be broken down by fund.



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3 1 b. Community colleges shall provide data to the division
3 2 by a deadline set by the division. The deadline shall be set
3 3 for a date that permits the division to include the data in
3 4 a report submitted for state board approval and for review
3 5 by December 15 of each year by the house and senate standing
3 6 education committees and the joint subcommittee on education
3 7 appropriations.

3 8 c. The department shall include a statewide summary of the
3 9 financial data submitted in accordance with paragraph "a" in
3 10 the annual condition of community colleges report, which upon
3 11 approval of the state board, shall be submitted to the general
3 12 assembly on or before February 1 of each year.

3 13 Sec. 6. Section 259A.3, Code 2011, is amended to read as
3 14 follows:

3 15 259A.3 Notice and fee.

3 16 Any applicant who has achieved the minimum passing standards
3 17 as established by the department, and approved by the state
3 18 board, shall be issued a high school equivalency diploma by the
3 19 department upon payment of an additional ~~five dollars~~ amount
3 20 determined in rules adopted by the state board of education
3 21 to cover the actual costs of the production and distribution
3 22 of the diploma. The state board of education may also by
3 23 rule establish a fee for the issuance or verification of a
3 24 transcript which shall be based on the actual costs of the
3 25 production or verification of a transcript.

3 26 Sec. 7. Section 260C.4, unnumbered paragraph 1, Code 2011,
3 27 is amended to read as follows:

3 28 The state board ~~for community colleges~~ shall:

3 29 Sec. 8. Section 260C.48, subsection 2, Code 2011, is amended
3 30 to read as follows:

3 31 2. Standards developed shall include a provision that
3 32 the ~~standard academic workload~~ full-time teaching load
3 33 for an instructor in arts and ~~science~~ sciences courses
3 34 shall be fifteen credit hours per ~~school term~~ semester, or
3 35 the equivalent, and the maximum academic workload ~~for any~~



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~~1 instructor shall be sixteen credit hours per school term,
2 for classes taught during the normal school day semester, or
3 the equivalent. In addition thereto, any faculty member may
4 teach a course or courses at times other than the regular
5 school week, involving total class instruction time equivalent
6 to not more than a three-credit-hour course. The total
7 workload for such instructors shall not exceed the equivalent
8 of eighteen credit hours per school term. An instructor may
9 also have an additional teaching assignment if the instructor
10 and the community college administration mutually consent to
11 the additional assignment and the total teaching load does
12 not exceed twenty-two hours of credit per semester, or the
13 equivalent.~~

14 Sec. 9. Section 260C.71, subsection 2, Code 2011, is amended
15 to read as follows:

16 2. The authority shall cooperate with the state board ~~for~~
~~17 community colleges~~, individual community colleges, and private
18 developers, acting in conjunction with a community college
19 to build housing facilities in connection with the community
20 college, in the creation, administration, and funding of a
21 community college dormitory bond program to finance housing
22 facilities, such as dormitories, in connection with a community
23 college.

24 Sec. 10. Section 260C.72, subsection 1, paragraph a,
25 subparagraphs (2), (3), (4), and (6), Code 2011, are amended
26 to read as follows:

27 (2) From the net rents, profits, and income which has
28 not been pledged for other purposes arising from any similar
29 housing facility under the control and management of the
30 community college or state board ~~for community colleges~~.

31 (3) From the fees or charges established by the community
32 college or state board ~~for community colleges~~ for students
33 attending the institution who are living in the housing
34 facility for which the obligation was incurred.

35 (4) From the income derived from gifts and bequests made to



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5 1 the institutions under the control of the community college or
5 2 state board ~~for community colleges~~ for such purposes.
5 3 (6) From the amounts payable to the authority, the community
5 4 college board of directors, the state board ~~for community~~
~~5 5 colleges~~, or a private developer or operator, pursuant to a
5 6 loan agreement, lease agreement, or sale agreement.
5 7 Sec. 11. Section 261E.8, subsection 5, Code 2011, is amended
5 8 by striking the subsection.
5 9 Sec. 12. Section 262.9, subsection 33, unnumbered paragraph
5 10 1, Code 2011, is amended to read as follows:
5 11 In consultation with the state board ~~for community colleges~~
~~5 12 established pursuant to section 260C.3 of education~~, establish
5 13 and enter into a collective statewide articulation agreement
5 14 with the community colleges established pursuant to chapter
5 15 260C, which shall provide for the seamless transfer of academic
5 16 credits from a completed associate of arts or associate of
5 17 science degree program offered by a community college to a
5 18 baccalaureate degree program offered by an institution of
5 19 higher education governed by the board. The board shall also
5 20 do the following:
5 21 Sec. 13. Section 266.39C, subsection 2, paragraph a,
5 22 subparagraph (5), Code 2011, is amended to read as follows:
5 23 (5) One representative of community colleges, appointed by
5 24 the state board ~~for community colleges~~ of education.
5 25 Sec. 14. Section 321J.3, subsection 1, paragraph c, Code
5 26 2011, is amended to read as follows:
5 27 c. The court may prescribe the length of time for the
5 28 evaluation and treatment or it may request that the community
5 29 college or other approved provider conducting the course
5 30 for drinking drivers which the person is ordered to attend
5 31 or the treatment program to which the person is committed
5 32 immediately report to the court when the person has received
5 33 maximum benefit from the course for drinking drivers or
5 34 treatment program or has recovered from the person's addiction,
5 35 dependency, or tendency to chronically abuse alcohol or drugs.



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6 1 Sec. 15. Section 321J.17, subsection 2, paragraph b, Code
6 2 2011, is amended to read as follows:
6 3 b. The court or department may request that the community
6 4 college or substance abuse treatment providers licensed under
6 5 chapter 125 or other approved provider conducting the course
6 6 for drinking drivers that the person is ordered to attend
6 7 immediately report to the court or department that the person
6 8 has successfully completed the course for drinking drivers.
6 9 The court or department may request that the treatment program
6 10 which the person attends periodically report on the defendant's
6 11 attendance and participation in the program, as well as the
6 12 status of treatment or rehabilitation.
6 13 Sec. 16. Section 321J.22, subsection 1, Code 2011, is
6 14 amended by adding the following new paragraph:
6 15 NEW PARAGRAPH. 0a. "Approved provider" means a provider of
6 16 a course for drinking drivers offered outside this state which
6 17 has been approved by the department of education.
6 18 Sec. 17. Section 321J.22, subsection 2, Code 2011, is
6 19 amended by adding the following new paragraph:
6 20 NEW PARAGRAPH. 0d. The department of education may approve
6 21 a provider of a course for drinking drivers offered outside
6 22 this state upon proof to the department's satisfaction that the
6 23 course is comparable to those offered by community colleges,
6 24 substance abuse treatment programs licensed under chapter 125,
6 25 and state correctional facilities as provided in this section.
6 26 The department shall comply with the requirements of subsection
6 27 5 regarding such approved providers.
6 28 Sec. 18. REPEAL. Section 256.31, Code 2011, is repealed.
6 29 Sec. 19. REPEAL. Section 260C.3, Code 2011, is repealed.
6 30 EXPLANATION
6 31 This bill makes miscellaneous changes to Code provisions
6 32 relating to community colleges as follows:
6 33 CONFIDENTIAL RECORDS. Code section 22.7(1) is amended
6 34 to establish that the provision does not prohibit a school
6 35 corporation or educational institution from transferring



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7 1 student records electronically to other school corporations or
7 2 educational institutions in accordance with the department of
7 3 education's comprehensive management information system and
7 4 uniform coding and reporting system.
7 5 COMMUNITY COLLEGE COUNCIL. Code section 256.31, which
7 6 establishes a community college council to assist the state
7 7 board of education with issues related to community colleges
7 8 and prepare a five=year statewide strategic plan, is repealed.
7 9 HIGH SCHOOL EQUIVALENCY DIPLOMA FEE. Code section 259A.3
7 10 is amended to replace the \$5 fee the department of education
7 11 charges for issuance of a high school equivalency diploma with
7 12 an amount to be determined by the state board of education to
7 13 cover the costs of producing and distributing the diploma. The
7 14 bill also permits the state board to establish a fee for the
7 15 issuance or verification of a transcript based on the actual
7 16 costs of production or verification of a transcript.
7 17 STATE BOARD FOR COMMUNITY COLLEGES. Code section 260C.3
7 18 states that the state board of education constitutes the
7 19 state board for community colleges. The bill repeals the
7 20 Code section and amends Code sections 8A.318, 16.162, 260C.4,
7 21 260C.71, 260C.72, 262.9, and 266.39C to replace references to
7 22 the state board for community colleges with references to the
7 23 state board of education.
7 24 APPROVED COURSES FOR DRINKING DRIVERS. Code sections 321J.3
7 25 and 321J.17 are amended to include as providers of drinking
7 26 driver courses supervised and approved by the department of
7 27 education "other approved providers", which the bill defines
7 28 in Code section 321J.22 as providers of courses offered
7 29 out of state. The providers of out=of=state courses must
7 30 prove to the department's satisfaction that the course is
7 31 comparable to those offered by community colleges and substance
7 32 abuse treatment programs. The bill establishes that other
7 33 approved providers may be requested to meet the same reporting
7 34 requirements as the community colleges and substance abuse
7 35 treatment programs.



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8 1 REPORTS. The bill eliminates the requirement from Code
8 2 section 256.7(14) that each community college which establishes
8 3 a new jobs training project and receives funds from the project
8 4 report by January 15 annually to the general assembly on the
8 5 funds received and disbursed. Code section 256.7(23) is
8 6 amended to add a requirement that the department of education
8 7 include in its annual condition of community colleges report a
8 8 statewide summary of the financial data it receives from the
8 9 community colleges and to submit the report to the general
8 10 assembly on or before February 1.

8 11 TEACHING LOAD LIMITS. Code section 260C.48 is amended
8 12 to provide that the full-time teaching load, rather than the
8 13 standard academic workload, for arts and sciences instructors
8 14 is 15 credit hours, with a maximum academic workload of 16
8 15 credit hours. Also, the bill strikes language that permits
8 16 a faculty member to teach a course at times other than the
8 17 regular school week for not more than a three-credit-hour
8 18 course, not to exceed 18 credit hours, and replaces it
8 19 with language that instead permits an instructor to have an
8 20 additional teaching assignment provided that (1) both the
8 21 community college and the instructor mutually consent to the
8 22 additional assignment and (2) the total teaching load does not
8 23 exceed 22 credit hours.

8 24 TRANSPORTATION OF A STUDENT UNDER A DISTRICT-TO-COMMUNITY
8 25 COLLEGE SHARING OR CONCURRENT ENROLLMENT PROGRAM. Code
8 26 section 261E.8(5), which requires the parent or legal guardian
8 27 of a student who is attending a community college under a
8 28 district-to-community college sharing or concurrent enrollment
8 29 program to furnish transportation to and from the community
8 30 college for the student, is stricken.

LSB 1220XD (8) 84

kh/sc



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Senate Study Bill 1110

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF EDUCATION BILL)

A BILL FOR

1 An Act relating to vehicular transportation for students and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1347XD (4) 84
je/sc



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1 1 Section 1. Section 257.31, subsection 17, paragraph d, Code
1 2 2011, is amended to read as follows:

1 3 d. Funds transferred to the committee in accordance with
1 4 section 321.34, subsection 22, are appropriated to and may
1 5 be expended for the purposes of the committee, as described
1 6 in this section, and to contract for geospatial research on
1 7 transportation issues affecting school district reorganization
1 8 and school bus routing. ~~However, highest priority shall be~~

~~1 9 given to districts that meet the conditions described in this~~
~~1 10 subsection.~~ Notwithstanding any other provision of the Code,
1 11 unencumbered or unobligated funds transferred to the committee
1 12 pursuant to section 321.34, subsection 22, remaining on June
1 13 30 of the fiscal year for which the funds were transferred,
1 14 shall not revert but shall be available for expenditure for the
1 15 purposes of this subsection in subsequent fiscal years.

1 16 Sec. 2. Section 285.9, Code 2011, is amended by adding the
1 17 following new subsection:

1 18 NEW SUBSECTION. 5. Review and resolve all transportation
1 19 disputes between districts as provided in section 285.12A.

1 20 Sec. 3. NEW SECTION. 285.12A Disputes between districts.

1 21 In the event of a dispute between school districts regarding
1 22 transportation, the area education agency board shall review
1 23 and resolve the dispute. If the parties to the dispute are
1 24 located in more than one area education agency, the area
1 25 education agency in which the party to the dispute with the
1 26 greatest certified enrollment is located shall be the reviewing
1 27 agency. In resolving disputes between districts, the reviewing
1 28 agency board shall, after receiving all facts, make alterations
1 29 or changes as necessary to make the arrangements, designations,
1 30 and contracts conform to the legal and established requirements
1 31 and shall notify each affected local school board of the
1 32 decision. A party to the dispute may appeal the decision of
1 33 the agency board to the director of the department of education
1 34 in the manner provided in section 285.12 for appealing a
1 35 decision of an agency board. The decision of the director



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2 1 shall be subject to judicial review in accordance with chapter
2 2 17A.

2 3 Sec. 4. Section 321.1, subsection 69, paragraph d, Code
2 4 2011, is amended to read as follows:

2 5 d. Designed to carry not more than nine persons as
2 6 passengers, either school owned or privately owned, which
2 7 are used to transport pupils to activity events in which the
2 8 pupils are participants or used to transport pupils to their
2 9 homes in case of illness or other emergency situations. The
2 10 vehicles operated under the provisions of this paragraph
2 11 shall be operated by employees of the school district who are
2 12 specifically approved by the local superintendent of schools
2 13 for the assignment and, if applicable, shall conform to the
2 14 minimum vehicle safety inspection standards for school buses,
2 15 as prescribed in rules adopted by the state board of education.

2 16 Sec. 5. Section 321.373, subsection 1, Code 2011, is amended
2 17 to read as follows:

2 18 1. Every school bus ~~except private passenger vehicles used~~
~~2 19 as school buses or other vehicle used to transport pupils~~
2 20 to activity events pursuant to section 321.1, subsection
2 21 69, paragraph "d", unless privately owned and not operated
2 22 for compensation, shall be constructed and equipped to meet
2 23 safety standards prescribed in rules adopted by the state
2 24 board of education. Such rules shall conform to safety
2 25 standards set forth in federal laws and regulations and shall
2 26 conform, insofar as practicable, to the minimum standards
2 27 for school buses recommended by the national conference on
2 28 school transportation administered by the national commission
2 29 on safety education and published by the national education
2 30 association.

2 31 Sec. 6. Section 321.373, subsection 3, Code 2011, is amended
2 32 to read as follows:

2 33 3. The rules prescribed for school buses shall include
2 34 special rules for passenger automobiles, and other vehicles
2 35 designed to carry eight or fewer pupils, when used as school



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3 1 buses. This subsection shall not apply to vehicles governed by
3 2 subsection 1.

3 3 Sec. 7. Section 321.376, Code 2011, is amended by adding the
3 4 following new subsection:

3 5 NEW SUBSECTION. 3. The provisions of this section relating
3 6 to a certificate of qualification and approved course of
3 7 instruction shall not apply to a person operating a vehicle
3 8 used to transport pupils to activity events pursuant to section
3 9 321.1, subsection 69, paragraph "d".

3 10 Sec. 8. Section 321.379, Code 2011, is amended to read as
3 11 follows:

3 12 321.379 Violations.

3 13 A school board, individual, or organization shall not
3 14 purchase, construct, or contract for use, to transport pupils
3 15 to or from school or school activities, any school bus or other
3 16 vehicle used to transport pupils to activity events pursuant
3 17 to section 321.1, subsection 69, paragraph "d", which does
3 18 not comply with the minimum requirements of section 321.373
3 19 pertaining to such bus or vehicle, and any individual, or any
3 20 member or officer of such board or organization who authorizes,
3 21 the purchase, construction, or contract for any such bus or
3 22 vehicle not complying with these minimum requirements commits a
3 23 simple misdemeanor.

3 24 EXPLANATION

3 25 This bill makes changes relating to vehicular transportation
3 26 for students.

3 27 Current law provides that the school budget review committee
3 28 may use transferred funds generated by fees for special
3 29 registration plates with an education emblem pursuant to Code
3 30 section 321.34(22) for the purposes of the committee. The bill
3 31 authorizes the committee to contract for geospatial research on
3 32 transportation issues affecting school district reorganization
3 33 and school bus routing and to use the funds for that purpose.
3 34 The bill strikes language requiring that the highest priority
3 35 for such funds be given to school districts that meet certain



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4 1 conditions.

4 2 The bill assigns to area education agencies the duty of
4 3 initially reviewing transportation disputes between school
4 4 districts and the authority to resolve such disputes. The bill
4 5 requires the reviewing agency board to notify each affected
4 6 local school board of its decision, and allows an affected
4 7 school district to appeal a decision to the director of the
4 8 department of education.

4 9 The bill provides that school-owned vehicles designed to
4 10 carry not more than nine persons which are used to transport
4 11 pupils to activity events in which students are participating
4 12 must conform to minimum vehicle safety inspection standards for
4 13 school buses as far as practicable and as set out by the state
4 14 board of education by rule. The bill also provides that the
4 15 drivers of such vehicles, whether school-owned or privately
4 16 owned, are exempt from statutory requirements for a certificate
4 17 of qualification and an approved course of instruction that
4 18 apply to school bus drivers.

4 19 Current law provides that a school board, individual, or
4 20 organization must not purchase, construct, or contract for
4 21 use of a school bus that does not comply with minimum state
4 22 standards. Current law provides that any person who authorizes
4 23 such an action is guilty of a simple misdemeanor. The bill
4 24 adds certain other vehicles used to transport students to
4 25 school activities to those requirements. A simple misdemeanor
4 26 is punishable by confinement for no more than 30 days or a fine
4 27 of at least \$65 but not more than \$625 or by both.

LSB 1347XD (4) 84

je/sc



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Senate Study Bill 1111

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act relating to licensing by reciprocity for dentists.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2267SC (2) 84
jr/nh



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Senate Study Bill 1111 continued

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1 1 Section 1. Section 153.21, Code 2011, is amended by striking
1 2 the section and inserting in lieu thereof the following:

1 3 153.21 License by credentials.

1 4 The board may issue a license under this chapter without
1 5 examination to an applicant who furnishes satisfactory proof
1 6 that the applicant meets all of the following requirements:

1 7 1. Holds a license from a similar dental board of another
1 8 state, territory, or district of the United States under
1 9 requirements equivalent or substantially equivalent to those
1 10 of this state.

1 11 2. Has satisfied at least one of the following:

1 12 a. Passed an examination administered by a regional or
1 13 national testing service, which examination has been approved
1 14 by the dental board in accordance with section 147.34,
1 15 subsection 1.

1 16 b. Has for three consecutive years immediately prior to
1 17 the filing of the application in this state been in a legal
1 18 practice of dentistry or dental hygiene in such other state,
1 19 territory, or district of the United States.

1 20 3. Furnishes such other evidence as to the applicant's
1 21 qualifications and lawful practice as the board may require.

1 22 EXPLANATION

1 23 Current law provides that a dentist or dental hygienist with
1 24 an out-of-state license may get an Iowa license by passing a
1 25 written examination and providing evidence of three years of
1 26 experience. This bill provides that the applicant may either
1 27 pass a written examination or provide evidence of three years
1 28 of experience.

LSB 2267SC (2) 84

jr/nh



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Senate Study Bill 1112

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act relating to the identification of historic properties by
2 certain rural electric cooperatives.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2051SC (3) 84
jr/nh



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Senate Study Bill 1112 continued

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1 1 Section 1. NEW SECTION. 303.19A Effort required of rural
1 2 electric cooperatives receiving federal funding to identify
1 3 historic properties.

1 4 1. When constructing electric distribution and transmission
1 5 facilities, a rural electric cooperative receiving federal
1 6 funding for the construction shall only be required to conduct
1 7 an archeological site survey of its proposed route when, based
1 8 upon a review of existing information on historic properties
1 9 within the area of potential effects of the construction, it is
1 10 determined that a historic property, as defined by the federal
1 11 National Historic Preservation Act of 1966, as amended, is
1 12 likely to exist within the proposed route.

1 13 2. An archeological site survey required to be conducted by
1 14 a rural electric cooperative shall be designed to be no more
1 15 arduous than the reasonable and good faith effort required
1 16 under the federal National Historic Preservation Act of 1966,
1 17 as amended, as interpreted by the advisory council on historic
1 18 preservation, shall reflect the public interest, and shall take
1 19 into account the likelihood and magnitude of potential impacts
1 20 to historic properties and project costs.

1 21 EXPLANATION

1 22 The department of cultural affairs is responsible for
1 23 administering the Iowa cultural resources survey and
1 24 registration program which is to be operated in accordance with
1 25 federal law. Site surveys of proposed routes of construction
1 26 that have the potential to impact historic properties may be
1 27 requested under this program if federal funds are used to
1 28 finance the construction.

1 29 This bill establishes specific standards for surveys
1 30 by rural electric cooperatives. The bill requires a rural
1 31 electric cooperative to perform a site survey only when a
1 32 historic property is likely to exist on the property. The
1 33 survey itself must be a reasonable and good faith effort,
1 34 balancing the impacts on the historic property and the project
1 35 costs.

LSB 2051SC (3) 84

jr/nh



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Senate Study Bill 1113

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

- 1 An Act relating to state procurement processes.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2246XC (1) 84
je/rj



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Senate Study Bill 1113 continued

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1 1 Section 1. NEW SECTION. 8A.311B Centralized purchasing ====
1 2 limitation on applicability.
1 3 Sections 8A.311 and 8A.311A shall not apply to the
1 4 procurement of any labor, materials, equipment, supplies,
1 5 services, goods, and any other items that would otherwise be
1 6 subject to chapter 26 or 573.
1 7 Sec. 2. Section 26.3, subsection 1, Code 2011, is amended
1 8 to read as follows:
1 9 1. If the estimated total cost of a public improvement
1 10 exceeds the competitive bid threshold of one hundred thousand
1 11 dollars, or the adjusted competitive bid threshold established
1 12 in section 314.1B, the governmental entity shall advertise for
1 13 sealed bids for the proposed public improvement by publishing a
1 14 notice to bidders. The notice to bidders shall be published
1 15 at least once, not less than ~~four~~ twenty and not more than
1 16 forty=five days before the date for filing bids, in a newspaper
1 17 published at least once weekly and having general circulation
1 18 in the geographic area served by the governmental entity.
1 19 Additionally, the governmental entity may publish a notice in
1 20 a relevant contractor organization publication and a relevant
1 21 contractor plan room service with statewide circulation,
1 22 provided that a notice is posted on a website sponsored by
1 23 either a governmental entity or a statewide association that
1 24 represents the governmental entity.
1 25 Sec. 3. Section 73A.18, Code 2011, is amended to read as
1 26 follows:
1 27 73A.18 When bids required ==== advertisement ==== deposit.
1 28 When the estimated total cost of construction, erection,
1 29 demolition, alteration or repair of a public improvement
1 30 exceeds the competitive bid threshold in section 26.3, or as
1 31 established in section 314.1B, the municipality shall advertise
1 32 for bids on the proposed improvement by two publications in
1 33 a newspaper published in the county in which the work is to
1 34 be done. The first advertisement for bids shall be not less
1 35 than ~~fifteen~~ twenty and not more than forty=five days prior to



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2 1 the date set for receiving bids. The municipality shall let
2 2 the work to the lowest responsible bidder submitting a sealed
2 3 proposal. However, if in the judgment of the municipality
2 4 bids received are not acceptable, all bids may be rejected and
2 5 new bids requested. A bid shall be accompanied, in a separate
2 6 envelope, by a deposit of money or a certified check or credit
2 7 union certified share draft in an amount to be named in the
2 8 advertisement for bids as security that the bidder will enter
2 9 into a contract for the doing of the work. The municipality
2 10 shall fix the bid security in an amount equal to at least five
2 11 percent, but not more than ten percent of the estimated total
2 12 cost of the work. The checks, share drafts or deposits of
2 13 money of the unsuccessful bidders shall be returned as soon as
2 14 the successful bidder is determined, and the check, share draft
2 15 or deposit of money of the successful bidder shall be returned
2 16 upon execution of the contract documents.

2 17 Sec. 4. ALTERNATIVE PROJECT DELIVERY PILOT PROGRAM.

2 18 1. The department of administrative services shall oversee
2 19 an alternative project delivery pilot program. The object of
2 20 the pilot project shall be to determine whether alternative
2 21 project delivery can be an effective and efficient option
2 22 for the state to use when renovating or constructing new
2 23 facilities. The goal of the pilot project is to determine the
2 24 level of effectiveness and efficiencies offered by alternative
2 25 project delivery.

2 26 2. Starting on July 1, 2011, the department of
2 27 administrative services shall select five projects in each of
2 28 the next two years to utilize alternative project delivery.
2 29 The department shall partner with a pilot project advisory
2 30 committee to create a comprehensive procurement model for
2 31 alternative project delivery. The pilot project advisory
2 32 committee shall be composed of seven members who shall be
2 33 appointed by the titular heads of the following entities:

- 2 34 a. Department of administrative services.
2 35 b. American institute of architects, Iowa chapter.



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3 1 c. American council of engineering companies of Iowa.
3 2 d. Iowa chapter of the design=build institute of America.
3 3 e. Master builders of Iowa.
3 4 f. Mechanical contractors association of Iowa.
3 5 g. Iowa state building and construction trades council.
3 6 3. The appointee of the department of administrative
3 7 services shall be the chairperson of the pilot project advisory
3 8 committee.
3 9 4. Each member of the pilot project advisory committee shall
3 10 serve a two and one=half year term starting July 1, 2011, and
3 11 ending December 31, 2013.
3 12 5. Pilot project parameters shall include the following:
3 13 a. Up to a maximum of five projects shall be selected in
3 14 each of the next two fiscal years.
3 15 b. The projects shall include renovation and new
3 16 construction. The projects shall vary in size, complexity,
3 17 scheduling, and cost.
3 18 c. Selection of these projects shall be completed by October
3 19 1, 2011, for fiscal year 2011=2012, and by October 1, 2012, for
3 20 fiscal year 2012=2013.
3 21 d. The director of the department of administrative
3 22 services shall make the final selection of projects and type of
3 23 alternative project delivery options.
3 24 6. The pilot project advisory committee shall file a report
3 25 to the general assembly at the start of each legislative
3 26 session outlining pilot project performance. A final report
3 27 shall be issued to the general assembly on January 1, 2014.
3 28 7. Notwithstanding any other provision of the law to the
3 29 contrary, a pilot project participant may utilize alternative
3 30 project delivery procurement processes, as established by the
3 31 pilot project advisory committee and approved by the director
3 32 of the department of administrative services, on projects under
3 33 the control of the department of administrative services.
3 34 Notwithstanding any other provision of the law to the contrary,
3 35 a pilot project participant selected for a pilot project under



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4 1 this section is exempt from competitive bidding requirements
4 2 under the Code on projects under the control of the department
4 3 of administrative services. No other public entity other
4 4 than a pilot project participant selected for a pilot
4 5 project under this section shall be exempt from competitive
4 6 bidding requirements under the Code. This authorization for
4 7 construction management at risk and design=build procurement
4 8 shall be for the sole and exclusive use of planning, acquiring,
4 9 building, equipping, altering, repairing, improving, or
4 10 demolishing any structure or appurtenance thereto, including
4 11 facilities, utilities, or other improvements to any real
4 12 property, but shall not include highways, roads, bridges, dams,
4 13 turnpikes, or related structures, or stand-alone parking lots.
4 14 8. It is the intent of this section that an appropriation of
4 15 thirty thousand dollars from the rebuild Iowa infrastructure
4 16 fund to the department of administrative services shall be used
4 17 to cover expenses associated with administration and reporting
4 18 requirements of the pilot project.

4 19 EXPLANATION

4 20 This bill relates to state procurement processes.

4 21 The bill provides that Code sections 8A.311 and 8A.311A,
4 22 relating to competitive bidding and centralized purchasing
4 23 procedures under the department of management, do not apply to
4 24 the procurement of any labor, materials, equipment, supplies,
4 25 services, goods, and any other items that would otherwise be
4 26 subject to Code chapter 26 or 573.

4 27 The bill provides that under Code section 26.3, published
4 28 notice to bidders for public improvement projects by the state
4 29 or political subdivisions exceeding competitive bid thresholds
4 30 must occur not less than 20 days before the date for filing
4 31 bids. Current law requires that published notice must occur
4 32 not less than four days before the date for filing bids.

4 33 The bill provides that under Code section 73A.18, published
4 34 notice to bidders for public improvement projects by
4 35 municipalities exceeding competitive bid thresholds must occur



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5 1 not less than 20 and not more than 45 days before the date for
5 2 filing bids. Current law requires that published notice must
5 3 occur not less than 15 days before the date for filing bids.
5 4 The bill creates an alternative project delivery pilot
5 5 program to be overseen by the department of administrative
5 6 services. The bill provides that the object of the pilot
5 7 project is to determine whether alternative project delivery
5 8 can be an effective and efficient option for the state to use
5 9 when renovating or constructing new facilities. The bill
5 10 provides that the goal of the pilot project is to determine the
5 11 level of effectiveness and efficiencies offered by alternative
5 12 project delivery. The bill provides that starting on July 1,
5 13 2011, the department of administrative services will select
5 14 five projects in each of the next two years to use alternative
5 15 project delivery. The bill provides for a pilot project
5 16 advisory committee with seven members who shall be appointed
5 17 by the heads of certain public and private entities. The bill
5 18 provides that the appointee of the department of administrative
5 19 services will be the chairperson of the committee. The
5 20 bill directs the department of administrative services to
5 21 partner with the pilot project advisory committee to create
5 22 a comprehensive procurement model for alternative project
5 23 delivery. The bill provides that each member of the committee
5 24 will serve a two and one-half year term starting July 1, 2011,
5 25 and ending December 31, 2013. The bill sets out certain
5 26 parameters for the pilot project, including that the director
5 27 of the department of administrative services will make the
5 28 final determination for selection of projects and type of
5 29 alternative project delivery options. The bill directs the
5 30 committee to file a report to the legislature at the start of
5 31 each legislative session outlining pilot project performance
5 32 with a final report to be issued on January 1, 2014. The bill
5 33 authorizes a pilot project participant to utilize alternative
5 34 project delivery procurement processes, as established by the
5 35 pilot project advisory committee and the director, on projects



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6 1 under the control of the department of administrative services.
6 2 The bill exempts pilot project participants from competitive
6 3 bidding requirements under the Iowa Code. The bill specifies
6 4 that no other public entity other than a pilot project
6 5 participant is granted such an exemption. The bill defines
6 6 the scope of authorized uses for construction management at
6 7 risk and design=build procurement. The bill includes intent
6 8 language that provides that an appropriation of \$30,000
6 9 from the rebuild Iowa infrastructure fund to the department
6 10 of administrative services will be used to cover expenses
6 11 associated with administration and reporting requirements of
6 12 the pilot project.

LSB 2246XC (1) 84

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Senate Study Bill 1114

SENATE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act providing a sales tax exemption for textbooks used in
2 attending a postsecondary educational institution.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1701XC (3) 84
tw/sc



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Senate Study Bill 1114 continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 96. a. The sales price of new and
1 4 used textbooks if the textbooks are for use in attending a
1 5 postsecondary educational institution.
1 6 b. For purposes of this subsection:
1 7 (1) "Postsecondary educational institution" means an
1 8 accredited higher education institution, as defined in section
1 9 261.92, an Iowa community college, a postsecondary educational
1 10 institution under the control of the state board of regents, a
1 11 school of cosmetology arts and sciences licensed under chapter
1 12 157, or a barber school licensed under chapter 158.
1 13 (2) "Textbooks" means books and other printed materials used
1 14 in attending a postsecondary educational institution in this
1 15 state.
1 16 c. Postsecondary educational institutions are required
1 17 to provide the titles of required and recommended textbooks
1 18 for all courses and the corresponding authors, publishers,
1 19 and international standard book numbers for such textbooks on
1 20 the postsecondary educational institution's internet site for
1 21 access to all booksellers and all students. The department
1 22 of education shall designate the format by which the textbook
1 23 information shall be provided.
1 24 d. In order to receive the sales tax exemption, a person
1 25 is required to show a current official identification card
1 26 from a postsecondary educational institution and either the
1 27 purchaser or the bookseller must show that the textbooks
1 28 intended to be purchased are on a list of textbooks provided by
1 29 a postsecondary educational institution under paragraph "c".
1 30 EXPLANATION
1 31 This bill provides a sales tax exemption for textbooks used
1 32 in attending a public or private Iowa postsecondary educational
1 33 institution, including licensed cosmetology and barber schools.
1 34 "Textbooks" is defined as books and other printed materials.
1 35 Postsecondary educational institutions are required to



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2 1 provide the titles of textbooks for all courses and the
2 2 authors, publishers, and corresponding international standard
2 3 book numbers for the textbooks on the institution's internet
2 4 site in order for all booksellers and students to have access
2 5 to the information. The department of education is required
2 6 to provide the format in which the textbook information must
2 7 be provided.
2 8 In order to receive the sales tax exemption, a person
2 9 must show a current official identification card from a
2 10 postsecondary educational institution and either the purchaser
2 11 or the bookseller must show that the textbooks intended to be
2 12 purchased are on an institution's textbooks list.
2 13 By operation of Code section 423.6, an item exempt from the
2 14 imposition of the sales tax is also exempt from the use tax
2 15 imposed in Code section 423.5.



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Senate Study Bill 1115

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF HUMAN SERVICES
BILL)

A BILL FOR

1 An Act relating to the child abuse registry administered by the
2 department of human services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1221DP (9) 84
jp/nh



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PAG LIN

1 1 Section 1. Section 232.68, subsection 2, paragraph d, Code
1 2 2011, is amended to read as follows:

1 3 d. The failure on the part of a person responsible for the
1 4 care of a child to provide for the adequate food, shelter,
1 5 clothing, supervision, or other care necessary for the child's
1 6 health and welfare when financially able to do so or when
1 7 offered financial or other reasonable means to do so. A parent
1 8 or guardian legitimately practicing religious beliefs who does
1 9 not provide specified medical treatment for a child for that
1 10 reason alone shall not be considered abusing the child, however
1 11 this provision shall not preclude a court from ordering that
1 12 medical service be provided to the child where the child's
1 13 health requires it.

1 14 Sec. 2. Section 232.71D, subsections 2 and 3, Code 2011, are
1 15 amended to read as follows:

1 16 2. If Except as otherwise provided in subsections 3 and 3A,
1 17 if the alleged child abuse meets the definition of child abuse
1 18 under section 232.68, subsection 2, paragraph "a" or "d", and
~~1 19 the department determines the injury or risk of harm to the~~
~~1 20 child was minor and isolated and is unlikely to reoccur,~~ the
1 21 names of the child and the alleged perpetrator of the alleged
1 22 child abuse and any other child abuse information shall ~~not~~
1 23 be placed in the central registry as a case of founded child
1 24 abuse.

1 25 3.a. Unless any of the circumstances listed in paragraph
1 26 "b" are applicable, cases to which any of the following
1 27 circumstances apply shall not be placed on the central
1 28 registry:

1 29 (1) A finding of physical abuse in which the department
1 30 has determined the injury resulting from the abuse was minor,
1 31 isolated, and unlikely to reoccur.

1 32 (2) A finding of abuse by failure to provide proper
1 33 supervision or by failure to provide adequate clothing, in
1 34 which the department has determined the risk from the abuse
1 35 to the child's health and welfare was minor, isolated, and



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2 1 unlikely to reoccur.
2 2 ~~b. Except as otherwise provided in section 232.68,~~
2 3 ~~subsection 2, paragraph "d", regarding parents legitimately~~
2 4 ~~practicing religious beliefs, If any of the following~~
2 5 ~~circumstances apply in addition to those listed in paragraph~~
2 6 ~~"a", the names of the child and the alleged perpetrator of~~
2 7 ~~the alleged child abuse and the report data and disposition~~
2 8 ~~data any other child abuse information shall be placed in the~~
2 9 ~~central registry as a case of founded child abuse under any of~~
2 10 ~~the following circumstances:~~
2 11 ~~a. (1) The case was referred for juvenile or criminal~~
2 12 ~~court action as a result of the acts or omissions of the~~
2 13 ~~alleged perpetrator or a criminal or juvenile court action~~
2 14 ~~was initiated by the county attorney or juvenile court within~~
2 15 ~~twelve months of the date of the department's report concerning~~
2 16 ~~the case, in which the alleged perpetrator was convicted of a~~
2 17 ~~crime involving the child or there was a delinquency or child~~
2 18 ~~in need of assistance adjudication.~~
2 19 ~~b. The department determines the acts or omissions of~~
2 20 ~~the alleged perpetrator meet the definition of child abuse~~
2 21 ~~under section 232.68, subsection 2, paragraph "a", involving~~
2 22 ~~nonaccidental physical injury suffered by the child and the~~
2 23 ~~injury was not minor or was not isolated or is likely to~~
2 24 ~~reoccur.~~
2 25 ~~c. (2) The department determines the acts or omissions~~
2 26 ~~of the alleged perpetrator meet the definition of child~~
2 27 ~~abuse and the department has previously determined within~~
2 28 ~~the eighteen-month period preceding the issuance of the~~
2 29 ~~department's report that the acts or omissions of the alleged~~
2 30 ~~perpetrator in a prior case met the definition of child abuse.~~
2 31 ~~d. The department determines the acts or omissions of the~~
2 32 ~~alleged perpetrator meet the definition of child abuse under~~
2 33 ~~section 232.68, subsection 2, paragraph "b", involving mental~~
2 34 ~~injury.~~
2 35 ~~e. The department determines the acts or omissions meet~~



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~~3 1 the definition of child abuse under section 232.68, subsection~~
~~3 2 2, paragraph "c", and the alleged perpetrator of the acts or~~
~~3 3 omissions is age fourteen or older. However, the juvenile~~
~~3 4 court may order the removal from the central registry of the~~
~~3 5 name of an alleged perpetrator placed in the registry pursuant~~
~~3 6 to this paragraph who is age fourteen through seventeen upon a~~
~~3 7 finding of good cause. The name of an alleged perpetrator who~~
~~3 8 is less than age fourteen shall not be placed in the central~~
~~3 9 registry pursuant to this paragraph.~~

3 10 f. The department determines the acts or omissions of the
~~3 11 alleged perpetrator meet the definition of child abuse under~~
~~3 12 section 232.68, subsection 2, paragraph "d", involving failure~~
~~3 13 to provide care necessary for the child's health and welfare,~~
~~3 14 and any injury to the child or risk to the child's health and~~
~~3 15 welfare was not minor or was not isolated or is likely to~~
~~3 16 reoccur, in any of the following ways:~~

- 3 17 (1) Failure to provide adequate food and nutrition.
3 18 (2) Failure to provide adequate shelter.
3 19 (3) Failure to provide adequate health care.
3 20 (4) Failure to provide adequate mental health care.
3 21 (5) Gross failure to meet emotional needs.
3 22 (6) Failure to respond to an infant's life-threatening
~~3 23 condition.~~

3 24 g. The department determines the acts or omissions of
~~3 25 the alleged perpetrator meet the definition of child abuse~~
~~3 26 under section 232.68, subsection 2, paragraph "e", involving~~
~~3 27 prostitution.~~

3 28 h. The department determines the acts or omissions of the
~~3 29 alleged perpetrator meet the definition of child abuse under~~
~~3 30 section 232.68, subsection 2, paragraph "f", involving the~~
~~3 31 presence of an illegal drug.~~

3 32 i. (3) The department determines the alleged perpetrator of
3 33 the child abuse will continue to pose a danger to the child who
3 34 is the subject of the report of child abuse or to another child
3 35 with whom the alleged perpetrator may come into contact.



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4 1 Sec. 3. Section 232.71D, Code 2011, is amended by adding the
4 2 following new subsection:

4 3 NEW SUBSECTION. 3A. Cases of alleged child abuse to which
4 4 any of the following circumstances apply shall be placed in the
4 5 central registry as follows:

4 6 a. A finding of sexual abuse in which the alleged
4 7 perpetrator of the abuse is age thirteen or younger. However,
4 8 the name of the alleged perpetrator shall be withheld from the
4 9 registry.

4 10 b. A finding of sexual abuse in which the alleged
4 11 perpetrator of the abuse is age fourteen through seventeen and
4 12 the court has found there is good cause for the name of the
4 13 alleged perpetrator to be removed from the central registry.
4 14 Only the name of the alleged perpetrator shall be removed from
4 15 the registry.

4 16 Sec. 4. Section 235A.18, subsection 3, Code 2011, is amended
4 17 by striking the subsection.

4 18 EXPLANATION

4 19 This bill relates to the child abuse registry administered
4 20 by the department of human services and addresses when founded
4 21 child abuse information is placed in the child abuse registry.

4 22 Code section 232.68, providing definitions of child abuse
4 23 and related terms, is amended. The amendment adds to the
4 24 definition of child abuse by a person responsible for the
4 25 care of a child, the person's failure to provide adequate
4 26 supervision of the child. The definition provision addressed
4 27 by the amendment is commonly referred to as "denial of critical
4 28 care".

4 29 Under current law, denial of critical care is limited to
4 30 failure to provide for the adequate food, shelter, clothing, or
4 31 other care necessary for the child's health and welfare when
4 32 financially able to do so or when offered financial or other
4 33 reasonable means to do so. A parent or guardian legitimately
4 34 practicing religious beliefs who does not provide specified
4 35 medical treatment for a child for that reason alone is not



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5 1 considered abusing the child, however, this exemption does not
5 2 preclude a court from ordering that medical service be provided
5 3 to the child where the child's health requires it. Although
5 4 the religious belief exemption is not affected by the bill, an
5 5 internal reference to it in Code section 232.71D is deleted.
5 6 Code section 232.71D, providing criteria for whether or not
5 7 founded child abuse information is placed on the central child
5 8 abuse registry, is amended. Current law provides a specific
5 9 list of abuses for which there is no discretion and must be
5 10 placed on the registry and describes two types of abuse that
5 11 are not placed on the registry if certain determinations are
5 12 made: nonaccidental physical injury or injury at variance
5 13 with the history of it and the denial of critical care. For
5 14 those two types of abuse, in order not to be placed on the
5 15 registry, the department must determine that the injury or risk
5 16 of harm was minor, isolated, and is unlikely to reoccur.
5 17 The bill removes from Code section 232.71D most of the
5 18 specific provisions requiring registry placement and instead
5 19 provides a specific list of four exemptions that if any of
5 20 the circumstances described in the exemptions are applicable,
5 21 the case of founded child abuse is not placed on the central
5 22 registry. The first exemption listed is similar to the
5 23 exemption in current law: a finding of physical abuse in which
5 24 the department has determined the injury was minor, isolated,
5 25 and unlikely to reoccur. The second exemption narrows the
5 26 denial of critical care exemption in current law to now only
5 27 apply to failure to provide adequate supervision or failure to
5 28 provide adequate clothing, and the department must determine
5 29 that the risk to the child's health and welfare was minor,
5 30 isolated, and unlikely to reoccur. Under the bill, abuse
5 31 resulting from other forms of denial of critical care would
5 32 no longer be exempted from placement on the registry. These
5 33 two exception clauses do not apply if one of the following
5 34 circumstances is also applicable: referral of the case for
5 35 criminal or juvenile court action, the same perpetrator was



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6 1 previously determined to have committed child abuse in a prior
6 2 case that occurred within the preceding 18-month period, or the
6 3 department determines the alleged perpetrator will continue
6 4 to pose a danger to the child involved with this case or to
6 5 another child.

6 6 The third exemption is sexual abuse when the alleged
6 7 perpetrator of the abuse is age 13 or younger. The fourth
6 8 exemption is sexual abuse when the alleged perpetrator is
6 9 age 14 through 17 and the court has determined there is good
6 10 cause for removing the name of the alleged perpetrator from
6 11 the registry. In such cases only the name of the alleged
6 12 perpetrator will be withheld or removed from the registry.

6 13 Subsection 3 of Code section 235A.18, relating to sealing
6 14 and expungement of founded child abuse information from the
6 15 registry, is stricken. The subsection requires the department
6 16 to review cases of child abuse placed in the registry before
6 17 the original effective date of Code section 232.71D of July
6 18 1, 1997. The review is required when the department is
6 19 considering the information while performing a record check
6 20 evaluation under law or administrative rule and when a review
6 21 is indicated under a procedure for performing reviews adopted
6 22 by the department.

LSB 1221DP (9) 84

jp/nh